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SUFFRAGE IN THE DISTRICT OF COLUMBIA

HEARINGS

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BEFORE THE

U.S. Congress Senate

COMMITTEE ON THE DISTRICT OF COLUMBIA

UNITED STATES SENATE

SIXTY-SEVENTH CONGRESS

FIRST AND SECOND SESSIONS

ON

S. 14, S. 417, and S. J. RES. 133

PROVIDING FOR SUFFRAGE IN THE DISTRICT OF COLUMBIA
AND FOR OTHER PURPOSES

NOVEMBER 8, 14, 18, 21, DECEMBER 13, 1921
AND JANUARY 12 AND 13, 1922

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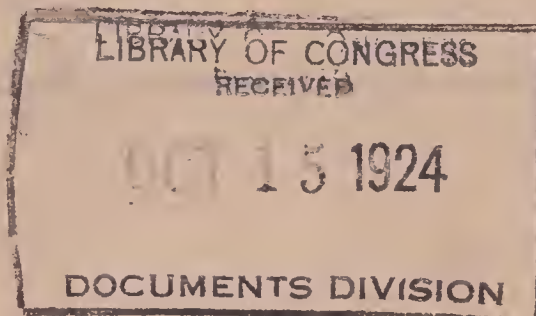
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SUFFRAGE IN THE DISTRICT OF COLUMBIA.

TUESDAY, NOVEMBER 8, 1921.

UNITED STATES SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C.

The committee met, pursuant to call, at 10 a. m., in the committee room, Capitol, Senator L. Heisler Ball, chairman, presiding.

Present: Senators Ball (chairman), Capper, Jones, and Sheppard.

Present also: Col. Winfield Jones, chairman of the National Press Committee, representing those favoring the bills pending before the committee providing for suffrage in the District of Columbia.

Present also: Mr. E. C. Brandenburg, appearing on behalf of those opposing the proposed legislation.

The CHAIRMAN. Two bills have been referred to the Committee on the District of Columbia. One was introduced by Senator Poindexter and provides for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes. One was introduced by Senator Capper, providing for the election of a Delegate to the House of Representatives from the District of Columbia and for the election of Commissioners of the District of Columbia, for the election of a public-utilities commission, a board of education, and for other purposes. Then a bill was introduced by Senator Jones of Washington and referred to the Judiciary Committee, providing for an amendment to the Constitution which will permit statehood in the District. In this hearing we will permit the discussion of all these bills.

The time to be consumed by the respective sides ought to be divided in some way. I would like to ask about how much time will probably be required for those favoring any one or all of these bills. Will six hours be sufficient?

Col. JONES. Yes, sir.

Mr. BRANDENBURG. Mr. Chairman, I would like to say in behalf of those I represent that we contemplated a hearing on the Capper bill and the Poindexter bill which are before you. We did not contemplate a hearing on the bill providing for a constitutional amendment. That is a matter which at present is pending before the House Judiciary Committee. We had one extended hearing lasting a number of days, and we are informed and expect we will have another hearing shortly after the convening of the new Congress in December.

The CHAIRMAN. I might say for your information that a similar bill is not before the House Committee on the District of Columbia, but is before the House Judiciary Committee.

Mr. BRANDENBURG. It is?

The CHAIRMAN. And also before the Senate Judiciary Committee. So I think we will have to exclude that. It is before neither Committee on the District of Columbia. It is a matter for the Judiciary Committee to dispose of.

We will allow not more than six hours to each side, hoping, of course, that one side or the other will not take up quite so much. The committee wants a thorough hearing, so far as the desires of the people are concerned, and the reasons why this bill or that bill should be passed. We want all the speakers to present the views of the people and the reasons why the bills should be enacted into law, and not take up any unnecessary time.

Now, in presenting this matter, would you prefer to have two hours for the bill and two hours against the bill, alternating in that way, or let one side present its entire case first?

Mr. BRANDENBURG. I think it would be well, Mr. Chairman, for the proponents of the bill to present their side in full.

Col. JONES. I think it would be better to alternate.

The CHAIRMAN. It will be necessary for those favoring the bills to present part of their case first. I would be willing to alternate, but it would be much better to have the complete presentation of one side first.

Col. JONES. I would not object to that, if we have a chance to reply to some of the arguments of the other side. Otherwise, they might present their views, and we would be shut off from replying to them.

The CHAIRMAN. I am willing to give two hours to each side alternately. I can see the advantage of having an opportunity to reply to the arguments of the other side. You may proceed, Col. Jones.

STATEMENT OF AVERY MARKS, PRESIDENT OF THE NATIONAL PRESS CLUB.

Mr. MARKS. Mr. Chairman and gentlemen, I have no argument to set forth in respect to this or any other bill in regard to District suffrage. I only want to lay before the committee the facts as they appear to me. I have learned these facts from letters written to the editor of the Washington Times within the last five years. During that period I have had available to me such letters, and I have concluded from those letters and the proportion of the letters received that the people of the District of Columbia do want participation in the local government, at least to some extent.

To digress a moment, it is rather hard to say that a proportion of letters received on any certain subject is indicative of public sentiment in a community. We know that in case we publish an editorial on any subject the proportion of denunciations to the proportion of approvals is not in proportion to public sentiment. The paper which I represent is by its friends called vigorous and by its enemies called violent. Its editorial policies are always very strong. If we are right we are emphatically right, and if we are wrong we put our foot in it away up to the hip. That sort of policy, as the committee knows, is conducive of what in newspaper parlance we call "stirring up the animals," making people think, making them protest or agree with us.

I have watched this carefully for five years, and we have found that in case sentiment in a community is about evenly divided on a subject, the letters written to the editor favoring an editorial on that subject, no matter which side we take in the matter, the proportion is about three denunciations to one approval of our editorial policy. If we were to advocate free trade we would receive three protests to a single agreement with us. If we were to oppose free trade, we would have the same result—three denunciations to one approval. That has been the case in the letters received by our paper upon every other subject, except the soldiers' bonus and District suffrage. Our paper has very vigorously supported suffrage for Washington and local participation in the government for several years, and with these two exceptions the rule of three to one against whatever we say has held good.

You gentlemen know that if a person agrees with you he usually says very little or nothing about it. If he disagrees with you he will tell you about it very strongly. In case of an election a man will go 10 miles to vote against something when he will only go 1 mile to vote for a matter.

In the case of suffrage we find that in spite of our editorial stand, and in spite of what might be expected in the way of letters commenting upon our stand, a ratio of about 3 to 1 in favor of our position. If we would be fair in the matter, in considering the ratio on every other subject, we would multiply the approvals of our stand by three in order to find the public sentiment on that subject. Therefore the ratio of public sentiment appears to be not 3 to 1 but about 9 to 1. In other words, about 9 out of every 10 in the community, as represented by those who have been interested enough to write to us, are in favor of local participation.

The letters which have come to the editor in behalf of suffrage have been intelligent, helpful letters. There has been no organized letter-writing propaganda behind them. You gentlemen are familiar with letter-writing campaigns to influence legislation, and it is very easily spotted. There has been none of that, and in fairness to the other side I should say there has been none on the other side that we could see.

The letters agreeing with us have set forth a good many arguments for District suffrage, embracing practically every argument for a democracy. Those protesting against it have, almost without exception, been based upon one argument; that is, that in order to enfranchise 400,000 people it is necessary to enfranchise one-fourth that number of colored people. That has been put

forward in most cases as a final and determining argument against suffrage for 400,000 people. Those people seem to have forgotten that is no longer an issue; that that was written into the Constitution of the United States some 60 years ago and has been settled. I presume they were very seriously shocked when the President of the United States some two weeks ago at Birmingham reiterated his belief in the Constitution of the United States. That is the main protest, and practically the only protest, we have received against suffrage.

To sum up, I believe it is manifest that at least 90 per cent of the people of the District of Columbia are in favor of participation in the Government and the other 10 per cent base their protest on an issue which has been settled long since.

Senator CAPPER. You say "participation in local government." To what extent has your paper supported participation in local government?

Mr. MARKS. In general, a participation proportionate to the financial burdens borne by the people.

Senator CAPPER. How far would you go in the matter of popular election?

Mr. MARKS. I have not gone into that matter specifically. In the period of which I speak the paper has changed hands once, so that the accumulation is not exact in regard to that specific feature.

The CHAIRMAN. Have you not advocated an indefinite policy, so far as representation in Congress and statehood are concerned?

Mr. MARKS. It is believed that our policy has been for an authoritative representation before Congress and delegate representation in or before Congress. We have used the term "before Congress," meaning participation in the local government commensurate with the financial burdens borne by the people.

Senator CAPPER. Through a general election in the District?

Mr. MARKS. Yes, sir. I might add that the only other time when we have received similar approval of our policy in these letters has been in the case of the soldiers' bonus, and the soldiers' bonus has outvoted suffrage, as far as agreeing with the paper is concerned. We have discounted that because of the large number of disabled soldiers in Washington.

STATEMENT OF MR. WILLIAM A. HICKEY, REPRESENTING THE ARMY AND NAVY VETERANS.

Mr. HICKEY. Mr. Chairman and gentlemen of the committee, we are ex-soldiers representing the veterans who served in the Spanish-American War, in the Philippine insurrection, and some who served in the World War, and I think I can speak for the members of the Grand Army of the Republic. We fought for liberty, we fought for the right to vote, and we ex-soldiers in the District of Columbia, numbering some thirty-odd thousand, feel we should have the right to have a vote, to elect our own officers, and have a government that we can control by the voice of the majority. That is one of the principles of Americanism and one of the things our forefathers contended for in the establishment of the Constitution—the right of representation in the Government, as well as being taxed. We soldiers feel that we should have that right. We fought for that principle for others. We fought for that principle in Cuba, we fought for that principle in the recent World War, and our forefathers of the Grand Army of the Republic fought for the right to liberate a people who were in serfdom, and the American Congress rightfully gave those people the franchise and clothed them with citizenship. They have the right to vote in other places, but, of course, do not have the right to vote here, as we do not have that right.

Therefore, we ex-soldiers contend and feel that we should have the right to have some say in our local government.

STATEMENT OF MR. ROY C. CLAFLIN, PRESIDENT OF THE DIS- TRICT DELEGATE ASSOCIATION.

Mr. CLAFLIN. Mr. Chairman, I understand that one of the things up for consideration, among others, is the election of the board of education. I do not care to speak specifically on that, but I would like to have introduced in the record and report of the hearings some arguments in favor of electing the board of education, and not go into that personally at this time. I would also like to have incorporated in the record in the same connection a copy of the bill introduced by Senator Sherman in the last Congress, in connection with electing a board of education.

The CHAIRMAN. Those may go in the record.

(The documents referred to are here printed in full, as follows:)

CITIZENS' JOINT COMMITTEE FOR AN ELECTIVE SCHOOL BOARD.

This committee is composed of representatives of organizations cooperating to secure from Congress the right for the citizens of the District of Columbia to elect the members of their board of education.

STATEMENT OF MR. HENRY P. BLAIR, PROMINENT LAWYER AND FORMER PRESIDENT OF THE BOARD OF EDUCATION.

Mr. Henry P. Blair, testifying on April 5, 1920, before the Senate committee investigating the District Board of Education, made the following statement:

"I have never considered the appointment of the school board by the judges a proper judicial function and am against the change of the appointing power back to the commissioners.

"I have been in favor of suffrage in the District of Columbia ever since I was old enough to vote. The people of the District should elect their board of education—that is where the appointing power belongs.

"It would be an excellent thing for the people of the District to begin to learn something about voting and elections, and they could learn in the election of the board of education."

CITIZENS' JOINT COMMITTEE FOR AN ELECTIVE SCHOOL BOARD.

On June 25, 1919, the citizen's joint committee for an elective school board was organized in the rooms of the Washington Board of Trade by the official representatives of 26 civic organizations of the District of Columbia. Since that date the number of organizations affiliated with the movement has been increased to 33, making the aggregate membership of the bodies represented considerably over 200,000 citizens at the present writing.

The movement was initiated by the action of the board of trade on January 21, 1919, when it declared in favor of the election of the school board members and instructed its committee on public schools to work for the enactment of legislation granting this right to the citizens of the District of Columbia.

Accordingly the matter was laid before various organizations of Washington and their cooperation was asked. The response was spontaneous, indicating the overwhelming sentiment of the citizens generally favoring the selection of the members of their board of education by their own vote.

At the call of the chairman of the board of trade committee on public schools a conference was held on June 25, 1919, of two duly accredited representatives from each of 26 organizations. At this conference the citizens' joint committee for an elective school board was organized and officers elected as follows:

Chairman of the committee, Roy C. Clafin, of the board of trade; secretary, J. Clinton Hiatt, of the board of trade; members of steering committee, B. W. Payne, chairman, of the Maryland and District of Columbia Federation of Labor; Dr. Starr Parsons, of the Northeast Washington Citizens' Association; William W. Keeler, of the Central Labor Union; Henry W. Draper, grade principal of the public schools; Mrs. Florence Rogers, of the High School Teachers' Union; Miss Ethel M. Smith, of the National Women's Trade Union League; Rev. J. Milton Waldron, of the Parents' League; Walter S. Early, of the Fairmount Citizens' Association; Miss Estelle C. Jackson, of the Washington Elementary Teachers' Union; secretary to the steering committee, J. Clinton Hiatt; Roy C. Clafin, ex-officio member.

ORGANIZATIONS REPRESENTED ON THE CITIZENS' JOINT COMMITTEE FOR AN ELECTIVE SCHOOL BOARD.

Washington Board of Trade, Columbia Heights Citizens' Association, Chevy Chase Citizens' Association, Central Labor Union, East Washington Citizens' Association, Daughters of Veterans U. S. A. (Ellen Spencer Mussey Tent No. 1), Congress Heights Public Improvement Association, Rhode Island Avenue Citizens' Association, Petworth Citizens' Association, Southwest Civic Association, Maryland and District of Columbia Federation of Labor, North Capitol and Eckington Citizens' Association, West End Citizens' Association, Washington News Writers' Association, Washington Lodge, No. 193, International Association of Machinists, Washington Elementary Teachers' Union, Washington Civic Center, Sons of Veterans, U. S. A. (Wm. B. Cushing Camp,

No. 30), Sixteenth Street Highlands Association, Public Interest Association of East Washington, Parents League of District of Columbia, Northeast Washington Citizens' Association, National Women's Trade Union League, Manual Training Association of Washington, D. C. (District of Columbia Manual Training Union, No. 10), Kenilworth Citizens' Association, High School Teachers' Union, Central Citizens' Association, Fairmount Heights Citizens' Association, Deanwood Citizens' Association, Federal Employees Union, No. 2, Benning Citizens' Association, Grade Teachers' Union, Bradbury Heights Citizens' Association.

HOW OTHER AMERICAN CITIES SELECT THEIR SCHOOL BOARDS.

[Information taken from "Current Practice in City School Administration," compiled by the United States Bureau of Education, Bulletin, 1917, No. 8.]

Educational thought favors election of board members at large by popular vote of appointment by elective officials. The majority of school men favor election by the people, even in preference to appointment by elective officials. Practically no students of school administration favor appointment by the courts.

In practice, over 75 per cent of American cities having a population of 25,000 and over select the members of their boards of education by popular election. In about 18 per cent of these cities the school board is appointed by elective officials, and in less than 7 per cent of these cities are the school boards appointed by members of the courts. Even in some of these cases, Philadelphia for example, the judges who appoint the school board are themselves elected by the people, so that probably in less than 5 per cent of American cities are the boards of education selected in the manner prescribed in the District of Columbia.

The tendency of reform is away from appointed to elected boards. The city of Cincinnati is an example. The public-school system of this city has never been so efficient as it has been since the method of selection was changed to election at large by the people.

REASONS WHY THE CITIZENS OF WASHINGTON SHOULD SELECT THEIR SCHOOL-BOARD MEMBERS ACCORDING TO THE AMERICAN PLAN.

From a study of the methods of selecting members of boards of education throughout the country, it can properly be said that the American plan is popular election by the people.

In no place would it be more appropriate to follow the American plan of selecting the board of education members than in the National Capital. In this city we should have the model system.

To grant to the citizens of the District of Columbia the right to elect the members of their board of education would be a big step toward the Americanization of the seat of government of the United States.

This right should be granted not only as a matter of principle, but as a means of placing our school system on a more efficient basis. Without reflecting upon the personnel of the present or any past board of education of the District, it stands to reason that if the members were elected by the people they would be more representative of the community and therefore administer their duties as a school board more in conformity with the desires of the people. These desires are always for an efficient school system.

Also, without reflecting upon the personnel of the judges who have been selecting the members of the board of education in the District of Columbia, it stands to reason that the people themselves are much better qualified to select the administrators of their schools than are the judges, who usually are not in touch with school problems. The majority of the voters would be parents with children in the schools, and obviously they are in a much better position than the judges to know who will serve their interest better in school matters.

SUMMARY OF SENATE BILL NO. 4001, INTRODUCED IN THE SENATE ON MARCH 2, 1920, BY SENATOR LAWRENCE Y. SHERMAN AND REFERRED TO THE COMMITTEE ON EDUCATION AND LABOR.

Object.—To provide for the election of the members of the board of education of the District of Columbia, etc.

Qualification of voters.—All citizens of the United States 21 years of age and over, without regard to sex, who are actual and bona fide residents of the

District of Columbia and desire to vote in the District of Columbia and no other place, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for 30 days next preceding the election in the precinct in which they vote, shall be qualified to vote: *Provided*, That no idiot or insane person or person convicted of a felony shall be entitled to vote. Temporary absence from the District shall not affect the question of residence of any person. (Sec. 6.)

Qualification of members of board of education.—Any person so elected shall, at the time of his or her election, have been for seven years a citizen of the United States and shall be an inhabitant and qualified voter of the District of Columbia, and shall be not less than 25 years of age. (Sec. 1.)

Time of election.—All elections for the members of the board of education, as herein provided, shall be held on the Tuesday next after the first Monday in November of each year. (Sec. 3.)

The polls shall be opened at 7 o'clock a. m. and closed at 7 o'clock p. m. (Sec. 30.)

Composition of board and terms of office.—The members of the board of education chosen at each election subsequent to the first election held under this act shall hold their office for a term of three years. In the first election nine members shall be elected, as follows: Three white men, three white women, and three colored persons, not less than one or more than two of such colored persons to be women. The white male member and white female member, respectively, receiving the highest number of votes in their group and colored member receiving the highest number of votes cast for a colored member shall serve for a term of three years. The white male member and the white female member receiving the next highest number of votes in their respective group, together with the colored member receiving the next highest number of votes in the colored group, shall serve for a term of two years. The other three members elected in said first election shall serve for a term of one year. The vacancies created by the expiration of terms as above indicated shall be filled in the subsequent elections with members corresponding, respectively, in sex and color, to the order set forth in this section, so that the composition of the board in these respects shall remain unchanged. (Sec. 4.)

Vacancies.—Any vacancy occurring in the membership of the board for any cause other than expiration of term shall be filled by the Commissioners of the District of Columbia within 30 days by naming the person receiving the next highest number of votes in the same group as the vacating member in the last election at which said group was voted on. If such person is not available for service, the next highest shall be named, and so on. (Sec. 5.)

Nominations.—All nominations shall be by petition. Each candidate shall be placed in nomination by the signatures of at least 100 qualified voters on a form corresponding in effect to the following: "We, the undersigned qualified voters of the District of Columbia, do hereby nominate" (here shall appear the names of the proposed candidates, together with the designation of color and sex of each and their respective street addresses) "for membership on the board of education of the District of Columbia." Then shall follow the names of the petitioners. All nominating petitions must be filed with the secretary of the commissioners not less than 30 days prior to the date of the election. Any petition of nomination not so received shall not be valid. (Sec. 28.)

Registration.—The registration of voters is provided for to be carried on under the supervision of the secretary of the commissioners who is designated as the registration officer. No one is allowed to vote who has not properly registered prior to the election.

Election machinery.—The bill provides that the Commissioners of the District of Columbia shall constitute an election board, and that they shall have charge of carrying out the provisions of the act.

They are to divide the District into voting precincts, each containing a voting population of approximately 500, and define the boundaries thereof, and shall appoint, at least 30 days before each election, one inspector, two judges, and two clerks for each voting precinct, all of whom shall be qualified voters of the precinct.

The commissioners are to provide suitable polling places for each precinct, preferably a public-school building, and give due notice of elections, specifying the time and places and the names and addresses of the nominees.

The bill contains the usual election machinery for carrying out the election in a most efficient and thorough manner, providing every precaution against any

possibility of fraud. Suitable penalties are provided for violation of the requirements of the act. The election machinery provided in the bill is based upon the most modern election laws of the various States.

(The bill in full follows:)

[S. 4001, Sixty-sixth Congress, second session.]

A BILL To provide for the election of the members of the Board of Education of the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of the District of Columbia shall elect the members of the board of education of said District in the manner and at the times hereinafter prescribed. Any person so elected shall, at the time of his or her election, have been for seven years a citizen of the United States and shall be an inhabitant and qualified voter of the District of Columbia, and shall be not less than twenty-five years of age.

SEC. 2. That the words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

(a) The word "commissioners" shall mean the Commissioners of the District of Columbia.

(b) The word "District" shall mean the District of Columbia.

(c) The words "registration officer" shall mean the secretary of the Commissioners of the District of Columbia.

(d) The word "ballot" shall mean the ballot herein prescribed.

(e) The word "group" shall mean the list of candidates of the same color and sex.

(f) The words "he," "his," or "him," referring to electors or candidates, shall include female as well as male.

SEC. 3. That all elections for members of the board of education, as herein provided, shall be held on the Tuesday next after the first Monday in November of each year.

SEC. 4. That the members of the board of education chosen at each election subsequent to the first election held under this act shall hold their office for a term of three years. In the first election nine members shall be elected as follows: Three white men, three white women, and three colored persons, not less than one nor more than two of such colored persons to be women. The white male member and white female member, respectively, receiving the highest number of votes in their group and the colored member receiving the highest number of votes cast for a colored member shall serve for a term of three years. The white male member and the white female member receiving the next highest number of votes in their respective group, together with the colored member receiving the next highest number of votes in the colored group, shall serve for a term of two years. The other members elected in said first election shall serve for a term of one year. The vacancies created by the expiration of terms, as above indicated, shall be filled in the subsequent elections with members corresponding, respectively, in sex and color to the order set forth in this section, so that the composition of the board in these respects shall remain unchanged.

SEC. 5. That any vacancy occurring in the membership of the board for any cause other than expiration of term shall be filled by the Commissioners of the District of Columbia within thirty days by naming the person receiving the next highest number of votes in the same group as the vacating member in the last election at which said group was voted on. If such person is not available for service, the next highest shall be named, and so on.

SEC. 6. That all citizens of the United States, 21 years of age and over, without regard to sex, who are actual and bona fide residents of the District of Columbia and desire to vote in the District of Columbia and no other place, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for thirty days next preceding the election in the precinct in which they vote, shall be qualified to vote: *Provided*, That no idiot or insane person or person convicted of a felony shall be entitled to vote. Temporary absence from the District shall not affect the question of residence of any person.

SEC. 7. That the Commissioners of the District of Columbia, at least sixty days before the first election herein provided for, shall divide said District into voting precincts, each containing a voting population of approximately five hundred, and define the boundaries thereof, and they shall also appoint, at least

thirty days before each election, one inspector, two judges, and two clerks for each voting precinct, all of whom shall be qualified voters of the precinct.

The said commissioners shall also, at least ten days before the election, provide a suitable polling place for each voting precinct, preferably a public-school building, and give due notice of the election by posting a written or printed notice in at least three public places in each precinct, one of which shall be the polling place, specifying the time and place of the election and the names and addresses of the nominees, together with their proper group designations. A copy of said notice shall be published in a newspaper published and of general circulation in the District, once a day for seven consecutive days next prior to the date of the election. That not more than \$10 at each election shall be allowed for the rental of a polling place in each precinct.

SEC. 8. That the inspector and judges in each precinct shall constitute the election board and shall supervise and have charge of the election therein.

Before entering upon the duties of their office each of the members of said election board and the clerks of the election in the precinct shall take an oath, which shall be reduced to writing, before an officer qualified to administer oaths, to perform honestly, faithfully, and promptly the duties of their positions.

That each member of the election board shall have authority to administer any oath to the voter necessary or proper under this act, and in case of any question or disagreement over any matter during the course of said election the decision of a majority of the board shall govern.

That it shall be the duty of the clerks at each voting precinct to make a full written record of such election as held in that precinct, and to keep a correct record in the poll book, as herein provided, of the names of the persons voting and the fact that they have voted, or have offered to vote and were refused, and a brief statement of the reasons for said refusal.

SEC. 9. That each of the candidates for the office of member of the board of education herein provided for, at any election held hereunder, shall be entitled to one watcher at each voting precinct, who shall be permitted to be present within the place of voting at such precinct, and in some place therein where he may at all times be in full view of every act done. Such watcher shall have the right to be so present at all times from the opening of the polls until the ballots are finally counted and the result certified by the election board. Each watcher shall be required to present to the election board proper credentials, signed by the candidate he represents, showing him to be the duly authorized watcher for such person.

SEC. 10. That in case any of the officers or clerks of election selected as herein provided for any precinct shall fail to appear and qualify at the time and place designated for the opening of the polls, then, in that event, the qualified voters present may, by a majority viva voce vote, select a suitable person or persons to fill the vacancy or vacancies, and the person or persons so selected shall qualify and serve with the same powers and in the same manner as if appointed as hereinbefore provided.

SEC. 11. That any person offering to vote may be challenged by any election officer or any other person entitled to vote at the same polling place, or by any duly authorized watcher, and when so challenged, before being allowed to vote he shall make and subscribe to the following oath: "I do solemnly swear (or affirm, as the case may be) that I am twenty-one years of age or over and a citizen of the United States; that I am an actual and bona fide resident of the District of Columbia, and have been such resident during the entire year immediately preceding this election, and have been a resident in this voting precinct for thirty days next preceding this election, and that I have not voted at this election." And when he has made such an affidavit he shall be allowed to vote; but if any person so challenged shall refuse or fail to take such oath or affirmation and sign such affidavit, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury and shall, upon conviction thereof, suffer punishment as is prescribed by law for persons guilty of perjury.

SEC. 12. That the election board at each polling place, as soon as the polls are closed, shall immediately publicly proceed to open the ballot box and count the votes cast, and the clerks shall make duplicate tally lists of the votes cast for each candidate opposite his name in the tally books prepared therefor, and the election board shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately, carefully, and securely seal up in one envelope said duplicate cer-

tificates, the duplicate tally books, and the registers of voters, all the ballots cast, and all affidavits made, and deliver such envelope, with said papers inclosed, to the Commissioners of the District of Columbia.

SEC. 13. That said commissioners shall, within seven days after the election, canvass and determine the total number of votes cast for each candidate, and shall officially announce the names of the successful candidates immediately thereafter, together with the names of the candidates receiving the next highest number of votes in each group. Within ten days after the election the commissioners shall issue a certificate of election to each of the newly elected members of the board of education, and said members shall enter upon their respective terms of office on the 1st day of December next.

SEC. 14. That all election ballots prepared under the provisions of this act shall conform to the following requirements:

First. They shall be of white and a good quality of paper, and the names shall be printed thereon in black ink.

Second. Every ballot shall contain the name of every candidate whose nomination has been filed according to the provisions of this act, and no other names.

Third. The names of the nominees shall be placed under the designation: "For member of the board of education."

Fourth. There shall be a space one-fourth inch square at the right of the name of each nominee, so that the voter may clearly indicate the candidates for whom he wishes to cast his ballot. The size of type for the designation of the office shall be nonpareil caps; that of the candidates not smaller than brier or larger than small pica caps, and shall be connected with the squares by leaders.

Fifth. The names of the candidates shall be placed on the ballot in the following groups: (1) White male candidates; (2) colored male candidates; (3) white female candidates; (4) colored female candidates. Within the groups the names of the candidates shall be arranged in the order in which the petitions of nomination shall have been filed as hereinafter provided.

The line of demarcation between the said groups shall be inverted nonpareil rule.

Sixth. Upon each official ballot a perforated line one-half inch from the left-hand edge of said ballot shall extend from the top of said ballot toward the bottom of the same two inches thence to the left-hand edge of the ballot, and upon the space thus formed there shall be no printing except the number of such ballot, which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The secretary of the commissioners shall cause official ballots to be numbered consecutively, beginning with number one, for each separate voting precinct. Each group column shall be two and five eighths inches wide.

Seventh. On the top of each of said ballots and extending across the said groups there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. At the head of each group of candidates the number to be voted for shall be indicated.

SEC. 15. That before the opening of the polls the secretary of the commissioners shall cause to be delivered to the judges of election of each election precinct in the District at the polling place of the precinct, two ballots for each elector registered in the precinct, and two tallying books that shall be printed in relation and accord with the ballots. The ballots shall be given to the inspector of each election precinct; but in case it may be impracticable to deliver such ballots to the inspector, then they may be delivered to one of the judges of election of any such precinct.

SEC. 16. That at any election it shall be the duty of the inspector, or one of the judges of election, to deliver ballots to the qualified electors. Any elector desiring to vote shall give his name to the inspector or one of the judges, who shall then, in an audible tone of voice, announce the same, whereupon a challenge may be interposed in the manner herein provided. If no challenge be interposed, or if the challenge be overruled, the inspector or one of the judges shall give him a ballot, at the same time calling to the clerks of election the number of such ballot. It shall be the duty of such clerks to write the number of the ballot against the name of such elector as the same appears upon the certified poll book of registration in their possession. Each qualified elector shall be entitled to receive from the said judges one ballot.

SEC. 17. That on receipt of his ballot the elector shall forthwith and without leaving the polling place retire alone to one of the booths or compartments pro-

vided to prepare his ballot. He shall prepare his ballot by marking a cross (X) after each of the names of the persons or candidates for whom he wishes to vote. Before leaving the booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof without displaying the marks on the face thereof, and he shall keep it folded until he has voted. Having folded the ballot, the elector shall deliver it folded to the inspector, who shall in an audible tone of voice repeat the name of the elector and the number of the ballot. The election clerks having the poll books of registration in charge shall, if they find the number marked opposite the elector's name on the poll books to correspond with the number of the ballot handed to the inspector, mark opposite the name of such elector the word "voted," and one of the clerks shall call back in an audible tone the name of the elector and the number of his ballot. The inspector shall separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. The slips containing the numbers removed from ballots shall be immediately destroyed.

SEC. 18. That not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot, and in no event longer than two minutes: *Provided*, That the other booths and compartments are occupied.

SEC. 19. That any voter who shall, by accident or mistake, spoil his ballot may, on returning said spoiled ballot, receive another in place thereof.

SEC. 20. That the secretary of the commissioners shall provide for each polling place a sufficient number of booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which electors shall mark their ballots screened from observation; and a guardrail so constructed that only persons within such rail can approach within ten feet of the ballot boxes or the booths or compartments herein prescribed. The number of such booths or compartments shall not be less than one for every one hundred electors or fraction thereof registered in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, shall be permitted to be within said rail. The expense of providing such booths or compartments and guardrails shall be a public charge, and shall be provided for in the same manner as the other election expenses. Subsequent to the first Tuesday after the first Monday of November and prior to the 1st day of December thereafter, the Commissioners of the District shall, as far as necessary, alter or divide the existing election precincts in such manner that each election precinct shall not contain more than five hundred voters.

SEC. 21. That any voter who declares to the judges of election, or when it shall appear to the judges of election, that by blindness or other physical disability said voter is unable to mark his ballot, shall, upon request, receive the assistance of one or two of the election officers or a watcher in the marking thereof, and such officer or officers shall certify on the outside thereof that it has been so marked with his or their assistance, and shall thereafter give no information regarding the same. The judges may, in their discretion, require from such person so offering to vote a declaration of disability. No elector, other than the one who may, because of his physical disability, be unable to mark his ballot, shall divulge to any person within the polling place the name of any candidate for whom he intends to vote, or ask or receive the assistance of anyone within the polling place in the preparation of his ballot.

SEC. 22. That no inspector shall deposit in any ballot box any ballot upon which the official stamp, as herein provided, shall not appear. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 23. That the secretary of the Commissioners of the District shall cause to be printed in large type on cards, in English, instructions for the guidance of electors in preparing their ballots. He shall furnish ten such cards to the judges of election of each election precinct and one additional card for each fifty electors or fractional part thereof in the precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards in each booth or compartment provided for the preparation of ballots and not less than three of such cards elsewhere in and about the polling places upon the day of election. Such cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done, namely:

First. To obtain ballots for voting.

Second. To prepare the ballots for deposit in the ballot boxes.

Third. To obtain a new ballot in the place of one spoiled by accident or mistake.

SEC. 24. That it shall be the duty of the secretary of the Commissioners of the District to cause to be published in pamphlet form and distributed to each election precinct, at public expense, a sufficient number of copies of this act as will place a copy thereof in the hands of all officers of election.

SEC. 25. That in the count and canvass of the votes any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted.

SEC. 26. That all ballots cast at the election shall be printed and distributed at public expense, as herein provided. The printing of ballots and cards of instruction for the electors, and the delivery of the same to the election officers, as hereinafter provided, shall be a District charge, the payment of which shall be provided for in the same manner as the payment of other District expenses.

SEC. 27. That the commissioners shall cause to be printed upon the official ballots at the election, in the form and manner prescribed by this act, the names of those candidates who shall have been nominated by petition, as herein provided.

SEC. 28. That all nominations shall be by petition. Each candidate shall be placed in nomination by the signatures of at least one hundred qualified voters on a form corresponding in effect to the following: "We, the undersigned qualified voters of the District of Columbia, do hereby nominate" (here shall appear the names of the proposed candidates, together with the designation of color and sex of each and their respective street addresses) "for membership on the Board of Education of the District of Columbia." Then shall follow the names of the petitioners. All nominating petitions must be filed with the secretary of the commissioners not less than thirty days prior to the date of the election. Any petition of nomination not so received shall not be valid.

SEC. 29. That it shall be the duty of the secretary of the Commissioners of the District to provide ballot boxes, or pouches, printed ballots, duplicate tally books, and a poll book for each precinct at every direction, and to cause to be printed on the ballot the name of every candidate who has been nominated in accordance with this act. Ballots other than those printed by the secretary of the commissioners, according to the provisions of this act, shall not be cast or counted in any election. Nothing in this act contained shall prevent any voter from writing or pasting on his ballot the name of any person for whom he desires to vote, and such vote shall be counted the same as if printed upon the ballot and marked by the voter, and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as herein otherwise provided.

SEC. 30. That at all elections held under the provisions of this act the poll shall be opened at seven o'clock antemeridian and closed at seven o'clock postmeridian.

SEC. 31. That the secretary of the commissioners shall cause to be preserved in his office for six months all petitions of nomination, and they shall be kept open to public inspection under proper regulations to be made by the commissioners.

SEC. 32. That if at any election hereafter eight hundred or more votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the commissioners, who shall, as soon as practicable, divide such precinct, so that the new precincts formed thereof shall each contain approximately an equal number of voters.

SEC. 33. That it shall be the duty of the Commissioners of the District, on or before July 1, 1920, to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all elections held in pursuance hereof and shall be printed with copies of this act for public use and distribution.

SEC. 34. That there shall be a registration of voters prior to the election as herein provided.

SEC. 35. That it shall be the duty of the Commissioners of the District of Columbia immediately upon the taking effect of this act to procure and open for the registration of voters duplicate poll books for each precinct in the District, and the secretary of the commissioners shall be the registration officer.

SEC. 36. That such poll books shall at all times, except as herein otherwise provided, be kept in the office of the secretary of the Commissioners of the Dis-

trict. It shall be the duty of said secretary as registration officer to register all qualified electors of the District of Columbia on such poll books, as hereinafter provided: *Provided*, That the commissioners may direct that in all or certain of the precincts of the District the poll books of such precincts shall be kept open in such precincts for the registration of the voters thereof at and during such time as they shall designate. It shall be the duty of the commissioners to designate and publish the time and place where the registration poll book for each precinct will be open in such precinct for the registration of voters of such precinct, and to provide for a deputy officer of registration to be at the place designated to be kept open for the registration of voters qualified to register, between the hours of nine o'clock antemeridian and nine o'clock and thirty minutes postmeridian on the days designated in said published notice.

SEC. 37. That it shall be the duty of all qualified voters of the District of Columbia, after the opening of the books as herein provided, to apply to the officer of registration, and be registered therein, at such time or times as said books shall be open for that purpose, as provided in this act; and such registration when made, as in this act provided, shall entitle such citizens to vote in their respective precincts if such citizens are otherwise legally qualified voters at such election. Such registration shall be prima facie evidence of the right of such citizens to vote at any election held within two years subsequent to such registration.

SEC. 38. That it shall be the duty of the officer of registration, upon receipt of the poll books in this act provided for, to cause to be published a notice in two newspapers of general circulation in the District of Columbia, for ten days, notifying the citizens of the District of Columbia that they can register at the place or places designated in said notice, and a like notice shall be published within twenty days after the first Monday in each July preceding the annual election.

SEC. 39. That the poll books provided for in this act shall be open at the office of the secretary of the commissioners at all times during the year for the registration of voters, except that they shall be closed on any day in which an election shall be held in the District of Columbia, and excepting that they shall be closed for the purpose of organization during and for the next preceding five days prior to any election. The officer of registration shall give notice of the closing of said books by publication in two newspapers of general circulation in the District of Columbia not more than ten days nor less than two days preceding the day of such closing, and such notice of publication shall have at least two insertions in each of such newspapers.

SEC. 40. That the poll books aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns, with appropriate heads as follows: Date of registration; name; age; occupation; place of residence; place of birth; time of residence in the District of Columbia and precinct, and, if of foreign birth, name and place of court where and date when naturalized as a citizen of the United States, and with column headed "Signature," for signature of the voter at the time of registering, and another and similar column immediately following, headed "Identification," for the signature of the voter in case he be challenged when he offers to vote, and a column for remarks, and one column for checking the name of voter at the time of voting. If the voter registering is of foreign birth, he shall at the time of registering produce satisfactory evidence to the registration officer that he is a naturalized citizen of the United States. Under the head of "Place of residence" shall be noted the number of lot and block or street name and number where the applicant resides or some other definite description sufficient to locate the residence; and the voter so registered as provided in this section shall sign his name in each of the duplicate poll books on the registry opposite the entries above required, in the column headed "Signature."

SEC. 41. That no person shall be allowed to vote at any election herein provided who is not registered according to the provisions of this act. The registration shall not be conclusive evidence of the right of any registered person to vote, but said person may be challenged and required to establish his right at the polls in the manner required by this act.

SEC. 42. That the officer of registration is hereby empowered to administer all necessary oaths in examining an applicant for registration, or any witness he may offer in his behalf, in order to ascertain his right to be registered under the provisions of this act; and the said registration officer shall closely examine any applicant for registration whose right to registration he may

doubt or who may be called, and shall explain the necessary qualifications of a voter; and if the applicant for registration be entitled to vote at the next election, he shall be registered, otherwise he shall not.

SEC. 43. That no person shall be registered unless he shall appear in person before the officer of registration at his office during office hours and apply to be registered and give his name, age, occupation, number or place of residence, place of birth, time of residence in the District of Columbia, and such applicant shall make and subscribe to the following oath or affirmation:

District of Columbia, United States of America, ss:

I, _____, do solemnly swear (or affirm) that I shall be, on the date of the next election, twenty-one years of age or over; that I am a citizen of the United States; that I shall have been an actual resident of the District of Columbia for one year prior to said election and of the _____ present thirty days prior thereto, and I have not lost my civil rights by reason of being convicted of an infamous crime.

Subscribed and sworn to before me this _____ of _____,
_____,
_____.

Said affidavit shall be bound in book form and preserved with the other records of the District of Columbia.

SEC. 44. That if a citizen of the District of Columbia shall, during the year for which he has been registered, change his residence from one voting precinct in said District to another voting precinct in said District, he shall apply to the officer of registration to have said removal noted on said poll books when the same are open. The officer of registration shall register said person in the voting precinct to which he has removed and draw a red-ink line across his name in the precinct book of his former residence, and likewise note the transfer in the column "Remarks" in said poll book.

SEC. 45. That it shall be the duty of the officer of registration, immediately upon the close of the poll books preceding any election to be held in said District, to certify to the authenticity of said duplicate poll books and, in time for the opening of polls as provided by law, to have one of said duplicate poll books at each of the voting precincts and deliver the same to the inspector or one of the judges of said election and take his receipt therefor. The other of said duplicate poll books shall remain in the custody of the said officer of registration.

SEC. 46. That at every election one of the judges of election shall, as each person registered votes, enter on the said poll book in the check line opposite the name of such person the word "voted," said poll book to be returned to the officer of registration after said election and by him preserved.

SEC. 47. That no officer of election shall do any electioneering on election day. No person shall do any electioneering on election day within any polling place, or any building in which an election is being held, or within fifty feet thereof, nor obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, marshal, or other peace officer is hereby authorized and empowered, and it is hereby made his duty, to clear the passageway and prevent such obstruction and to arrest any person creating such obstruction. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate for whom he has marked his vote, nor shall any person solicit the elector to show the same, nor shall any person, except a judge of election, receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such inspector or judges of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he has received from the judges of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Any elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots shall, before leaving the polling place, return such ballot to such judge. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding \$100.

SEC. 48. That any person who shall falsely make, or make oath to, or fraudulently deface or fraudulently destroy any election certificate, tally sheet, ballot, or return, or any part thereof, or suppress the same or forge or falsely make the

official indorsement on any ballot, shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years.

SEC. 49. That any person who shall during the election willfully remove or destroy any of the supplies or other conveniences placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, or prior to or on the day of election willfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who shall during an election tear down or deface the cards printed for the instruction of voters, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding \$100.

SEC. 50. That any public officer upon whom any duty is imposed by this act who shall willfully do or perform any act or thing herein prohibited, or willfully neglect or omit to perform any duty as imposed upon him by the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office and shall be punished by imprisonment in the District Jail or workhouse for a term of not less than one month nor more than six months or by a fine of not less than \$50 and not more than \$500, or by both such fine and imprisonment.

SEC. 51. That if any person shall falsely swear or affirm in taking the oath or making the affirmation for registration prescribed herein, or shall falsely personate another and procure the person so personated to be registered, or if any person shall represent his name to the officer of registration to be different from what it actually is and cause such name to be registered, or if any person shall cause any name to be placed upon the registry list otherwise than in the manner provided in this act, he shall be deemed guilty of a felony, and upon conviction be punished by confinement in the penitentiary not more than five years nor less than one year.

SEC. 52. That if any official shall neglect or refuse to perform any duty relating to the registration imposed upon him by this act, or in the manner required by this act, or shall neglect or refuse to enter upon the performance of any such duty, or shall enter or cause or permit to be entered on the registry books the name of any person in any other manner or at any other time than as prescribed by this act, or shall enter or cause or permit to be entered on such books the name of any person not entitled to be registered thereon according to the provisions of this act, or shall destroy, secrete, mutilate, alter, or change any such registry books, he shall upon conviction be punished by confinement in the penitentiary not more than five years nor less than one year, and shall forfeit any office he may then hold.

SEC. 53. That no person shall in any way, directly or indirectly, by menace or other corrupt means or device, attempt to influence any person in giving or refusing to give his vote in any election, or to deter or dissuade any person from giving his vote therein, or to disturb, hinder, persuade, threaten, or intimidate any person from giving his vote therein, nor shall any person at any such election knowingly and willfully make any false assertion or propagate any false report concerning any person who shall be a candidate thereat with the intention of preventing the election of such candidate, and if any person shall be guilty of any act forbidden or declared to be unlawful by this section he shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, at the discretion of the court before which such conviction shall be had: *Provided*, That in no case shall such fine exceed the sum of \$250 or such imprisonment the term of six months.

SEC. 54. That any person who shall solicit, request, or demand, directly or indirectly, any money, or any thing of value, or promise thereof, either to influence his own vote or to be used, or under the pretense of being used, to procure or influence the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of any election under this act, for or against any candidate for office, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment in the District Jail or workhouse for not less than thirty days nor more than six months, or by both such fine and imprisonment.

SEC. 55. That any person who shall forge any name of a person as a signer to a nomination paper shall be deemed guilty of forgery, and on conviction shall be punished accordingly.

SEC. 56. That any person who shall violate any section of this act for which no punishment is therein especially provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$200, or by imprisonment in the District Jail or workhouse for not less than one nor more than three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 57. That the act of Congress approved June 20, 1906, entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia" (Public Document Numbered 254) be, and hereby is, amended to conform with this act.

Mr. CLAFLIN. Just briefly sketching the history of the campaign for a Delegate in Congress, and that is what I wish to speak about, the Poindexter bill which is before you for consideration, the District Delegate Association, organized to push this campaign, was organized September 28, 1912. The members of the executive council were Frank J. Hogan, at that time national committeeman of the Progressive Party; William McK. Clayton, then president of the Federation of Citizens' Associations; John F. Oyster, at that time president of the Washington Chamber of Commerce; Ellen Spencer Mussey, dean of the Washington College of Law; and myself, as chairman. We started an active campaign about that time and built up a representative membership of approximately 25,000 citizens. The campaign culminated in the introduction of the Poindexter delegate bill, and finally we secured a hearing on that bill in February, 1916, at which time it was linked with the constitutional amendment bill. There was a joint hearing held on the two. A subcommittee of the main District committee, headed by Senator Pomerene, reported favorably to the Senate on the bill and urged its passage; that is, the Delegate bill, but made no report on the constitutional amendment bill. That was the first time since the present form of government was established in the District of Columbia in 1878 that any bill providing suffrage for the District has ever got on the calendar of either House, and it is the only time.

The CHAIRMAN. I understand you are filing a statement on the matter of the election of the school board.

Mr. CLAFLIN. Yes, sir.

The CHAIRMAN. I should like to ask you a question or two concerning that: Did they not elect the school board at one time in the District?

Mr. CLAFLIN. Not that I recall. My memory does not go back that far.

The CHAIRMAN. I was told that they formerly did.

Mr. CLAFLIN. I never heard that had been the case.

Mr. HENRY H. GLASSIE. I think before the Civil War. It has not been done under the present organic act at any time since 1878 or before.

The CHAIRMAN. I understood they had elected the school board since the war, during the time those bonds were issued, during that short administration.

Mr. GLASSIE. 1871 to 1874.

The CHAIRMAN. Yes. I understood they elected a school board, and it was not at all satisfactory.

Mr. GLASSIE. It must have been prior to the present organic act.

The CHAIRMAN. It was, and the reorganization followed after that.

Mr. A. E. SEYMOUR (secretary of the Washington Chamber of Commerce). It was just prior to that. I think it was between 1874 and 1878.

The CHAIRMAN. I just wanted to know if you knew anything concerning that.

Mr. CLAFLIN. There were other features of the established form of government at that time which were not desirable, but that does not mean by having an elective board in the District now it would be in any way unsatisfactory. The government of about 1874, which put the District into bankruptcy, had, for instance, as a part of the government, a Territorial Delegate, but because that government was not successful is no argument against a Territorial Delegate, because I think that was one of the redeeming features of that form of government, and it was not because of the Delegate that it was an unsuccessful attempt.

Going back to the fact that the Poindexter Delegate bill was reported favorably to the Senate by Senator Pomerene, and its passage urgently requested, the bill was on the calendar but did not come to a vote. After that time and during the last five years we have allowed our campaign for a Delegate to be eclipsed by the campaign for a constitutional amendment. During those five years it has not been clearly demonstrated that it is possible to secure the passage of a bill providing for a constitutional amendment, giving the District

of Columbia full statehood rights; that is, a voting delegation in the House and one or two Senators. However, in my opinion, it has been demonstrated that you can not get such legislation. Therefore, I think the time is ripe that we should push something practical, something that we can get, something Congress is willing to give us.

Now, some of the fundamental reasons why the District of Columbia ought to be represented in the House of Representatives are that, first, it is right, it is just, it is logical, it is expedient, and above all, it is American. I do not wish to take your time to expand on these arguments for myself, but I will ask leave to read quotations from men whose opinions are much more weighty than my own. I will quote from Presidents of the United States, from Senators, from Representatives, from other officials of the Government, from prominent and leading local citizens, and from men from other States, showing that the sentiment for a proposition of this kind is universal, and that those opinions are not confined to the present day, but they go back over a period of 100 years.

VIEWES OF THE PRESIDENTS.

The first President to discuss formally the political status of the District was Monroe, who, in his message of 1818, said:

“By the Constitution the power of legislation is exclusively in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislates in all cases directly on the local concerns of the District. As this is a departure from a special purpose from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure.”

Thus in 1818 President Monroe suggested as alternatives either a separate legislature for the District or some device under which the District should be represented in Congress.

In 1818 Washington, Georgetown, and Alexandria were enjoying, by the grace of Congress, municipal “self-government.” Washington, for instance, elected city councils, who elected a mayor. Nonparticipation by the people in the congressional power of exclusive legislation was the “departure from the general principles” of the American system, of which Monroe suggested a correction.

Andrew Jackson was the first President to urge specifically the election by the District of a Territorial Delegate in Congress. He made this recommendation in 1830, and repeated and enlarged it in 1831 and 1835. In 1831 he said:

“It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government. But to accomplish the objects they had in view it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the Representatives of distant States to turn their attention to projects of laws which are not of the highest interests to their constituents, they are not individually nor in Congress collectively well qualified to legislate over the local concerns of this District. Consequently its interests are much neglected and the people are almost afraid to present their grievances lest a body in which they are not represented, and which feels little sympathy in their local relations, should, in its attempts to make laws for them, do more harm than good. * * * Is it not just to allow them at least a Delegate to Congress if not a local legislature to make laws for the District subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution.”

President William Henry Harrison in 1841 discussed the political status of the District sympathetically and earnestly, saying:

“Are there indeed citizens of any of our States who have dreamed of their subject in the District of Columbia? Such dreams can never be realized by any agency of mine. The people of the District of Columbia are not the subjects of the people of the United States, but free American citizens. Being in the latter condition when the Constitution was formed, no words used in that instrument could have been intended to deprive them of that character. If there is anything in the great principle of inalienable rights so emphatically insisted upon in our Declaration of Independence, they could neither make

nor the United States accept a surrender of their liberty and become the subjects—in other words, the slaves—of their former fellow citizens. If this be true—and it will scarcely be denied by anyone who has a correct idea of his own right as an American citizen—the grant to Congress of exclusive jurisdiction in the District of Columbia can be interpreted as far as respects the aggregate people of the United States as meaning nothing more than to allow the Congress the controlling power necessary to accord a free and safe exercise of the functions assigned to the General Government by the Constitution. In all other respects the legislation of Congress should be adapted by their peculiar position and wants and be conformable with their deliberate opinions of their own interests.”

President Andrew Johnson repeated in 1866 Jackson's recommendation of a Territorial Delegate in Congress, saying:

“Our fellow citizens residing in the District, whose interests are thus confided to the special guardianship of Congress, exceed in number the population of several of our Territories, and no just reason is perceived why a Delegate of their choice should not be admitted to a seat in the House of Representatives. No move seems so appropriate and effectual of enabling them to make known their peculiar condition and wants and of securing the local legislation adapted to them. I therefore recommend the passage of a law authorizing the electors of the District of Columbia to choose a Delegate, to be allowed the same rights and privileges as a Delegate representing a Territory.”

President Abraham Lincoln said:

“I am opposed to the limitation or lessening of the right of suffrage. If anything, I am in favor of its extension or enlargement. I want to lift men up, to broaden rather than contract their privileges.”

Permit me to quote the late Senator Jacob H. Gallinger, former chairman of the Senate District Committee, on the proposition for a District Delegate. This is from an interview published in the local papers in December, 1912. In addition to promising his support for the proposition he said:

“I firmly believe that more responsibility should be placed upon the people of the District of Columbia. The form of government here is absolutely un-republican. It seemed so strange when I had studied in my history from youth up that the Revolutionary War was fought over the false principle of taxation without representation and then to come to Washington over a hundred years after that great struggle to find the very same principle existing at the very heart of the great Republic.

“I have always felt that an unjust situation exists here, and that it ought to be corrected. Aside from the principle of the thing, I can see many advantages the people of the District will enjoy through having a Delegate to represent them in the body that governs them.”

I will say that Senator Gallinger kindly offered his services in preparing the bill to provide a Delegate, with an offer also to introduce it. Senator Poin-dexter, however, drew up the present bill in its entirety, after very careful study.

From the Washington Times of June 1, 1920, I quote the following:

“Senator Boies Penrose, of Pennsylvania, favors giving the people of the District of Columbia a Delegate in the House of Representatives and one vote in the electoral college for President and Vice President.

“‘I shall be much interested in examining any plans for national representation,’ he added, ‘but I do not favor the proposition to give the people here two United States Senators and a Member of the House of Representatives. They are, however, entitled to a Delegate in Congress and a vote for President.’”

I also quote the views, in part, of Senator Weeks, expressed in connection with the report of the joint select committee investigating the fiscal relations of the District four years ago:

“It is unjust and un-American to deny the franchise to any citizen having the requisite qualifications of a voter. * * * I submit, too, that as the District is governed by Congress the people should have some representation or representatives in that body.”

One of the first Members of the Congress from whom we secured an interview for publication was Senator Chamberlain, of Oregon, who later introduced the resolution for a constitutional amendment providing statehood for the District. I had a long talk with Mr. Chamberlain in his office and he declared very emphatically in favor of a Delegate representing the District in the House.

At a joint hearing on the Poindexter Delegate bill and on his bill for a constitutional amendment Senator Chamberlain made the following statement:

"I do not see why a Delegate might not be selected to sit in an advisory capacity in the Senate; but in any event I do not oppose the election of a Delegate to the House. * * * I think it would be well that the District should be represented until the constitutional amendment has been submitted. I do not think there would be any question about the House. * * * Of course, as to a Delegate, he can not vote. He is a voteless individual; he has not much voice in things, but he can at least advise the body in relation to the legislation needed by the District, and keep the people informed. I think they ought to have a Delegate."

I will quote also from the remarks of a prominent member of the Senate Committee on the District of Columbia, made in a rousing speech which he delivered before the Washington Chamber of Commerce on October 14, 1913. In part he said:

"It's a wonder to me you people don't rise up and demand a vote. Prior to 1776 there was a little tea party in Boston Harbor. Every one throughout this country has profited by this save the people of the District of Columbia and the women of the land. There can be no excuse for the people of Washington not voting. The District should be granted a Delegate to Congress.

"It is strange that in Washington, the Capital of the greatest Republic known to history, and it being in our Constitution that none shall be deprived of the right to vote because of color or previous condition of servitude, the people should be deprived of the privilege to vote.

"I do not know what pearls of wisdom dropped from the lips of the statesmen who voted to take away this right, but I think in view of the calcium light of present enlightenment that they must have been pearls of paste. Nowhere else under the Stars and Stripes does taxation without representation exist."

Senator CAPPER. Could you give the name of the author of that?

Mr. CLAFLIN. That was Senator Pomerene.

Statement of Senator Miles Poindexter, author and sponsor for the present Delegate bill now under consideration. The following is a part of a statement published in a local newspaper on September 4, 1913:

"The District Delegate bill should be enacted for two general reasons: First, in order that the inhabitants of the District may have the right to choose some one to represent them in legislation which so vitally concerns them; and second, in order that Representatives may be relieved to some extent of the burden and responsibility of taking care of local District matters. As the situation now is, Congress has a good deal of its time taken up sitting in the capacity of a city council for the City of Washington. With the interests of their own constituents to look after, even the members of the District committees of the House and Senate can scarcely be expected to give the requisite time and attention which the present arrangement calls for to District matters.

"Of course, in a sense the government of the District is a national concern, in which all Congressmen might well have a responsibility and interest. However, the Government of the District also involves a vast number of matters which are largely of local and in a very slight sense of national concern. There should by all means be a special Delegate, whose chief concern and responsibility would be to study these questions and present them properly in the House of Representatives. It would be a relief to the rest of the country by freeing Congress in general from the anomalous situation of being called upon to decide upon so many questions which it is no one's special business to take care of.

"In their own interests and in the interests of the rest of the Nation, the people of the District should have a voice in their own government. If they do not desire it they should be required to have it and to exercise the responsibility which it will entail upon them. I am satisfied, however, that they do desire it. This bill proposes only to give them a voice in Congress; whether or not they shall have a vote there may be reserved for future considerations.

"This bill, while it only authorizes the election of a Delegate in Congress, contains complete election machinery, so that if hereafter it should be decided to extend the political privileges of the District the election machinery will be already provided therefor."

A further statement of Senator Miles Poindexter before a subcommittee of the Senate District committee in a hearing on the Delegate bill, February 29, 1916:

“Furthermore, Mr. Chairman and Senators, it is not only in the interests of the people of the District and of the United States, in order to take away from them the example of a people of their own race being governed without their consent, without participation in the Government, but there is a practical reason in promoting the work of Congress. More business is transacted by Congress in dealing with the special affairs of the District of Columbia than with the special measures of any State in the Union or of any half dozen States put together.

“The Committees on the District of Columbia in both Houses are among the very greatest committees in Congress. The questions which they deal with require as much study, though they relate only to the District of Columbia, as the questions relating to the great national and international affairs on which Congress has to act. Yet there is no one here in either branch of Congress who is so situated as to be relieved of the duties which he owes to his constituents at home, or to his State if he is a Senator, so that he can devote his entire time to make himself a specialist in studying and working in matters that relate only to the District of Columbia. For that reason there ought to be a Delegate in Congress from the District whose service of the District would not be merely an incident to his service of another constituency.

“We can depend upon the citizenship of the District of Columbia to elect a man, I presume, I hope, I think, I know, who would represent their views and their interests in Congress in the work which he would do, though he may not have a vote; and one vote in the House of Representatives, even though he had it—and that is all he would have if he were a Member—is very seldom a determining influence. Far more than the vote are the voice and the labor of the chosen Representatives of the people.”

Statement of Representative John H. Rothermel, of Pennsylvania, published August 30, 1913:

“I have seen the business interests of the District attacked on the floor of the House until it looked to me to be a deplorable fact that the citizens of this city were not represented there.

“The Members of the House are too busy attending to their constituents to bother with the needs of the people of the District of Columbia. Therefore these people should have a Representative in each body of Congress—one at least—and these Representatives should shape and mold legislation when Congress is not in session.

“I have more than 325,000 people in the district which I represent, and all of these are for the sentiments I have expressed. They are true Americans back there in Lehigh Valley.”

Statement of the late Champ Clark in a speech before the House of Representatives delivered on April 6, 1900, when the question of whether Hawaii should have a Delegate in the House was being discussed. Mr. Clark said he thought that the District of Columbia also should have a Delegate. After remarking that Congress sat on designated days as a common council for the city of Washington, with Members generally “ignorant of the wants of the people and the proper relation of one thing to another,” Mr. Clark said:

“The fact that under the shadow of the Nation’s Capitol 300,000 American citizens are completely disfranchised, not permitted to vote on any proposition under the sun, are reduced to the low estate of being the Nation’s wards, have no more voice in the Government under which they live than have the inhabitants of Africa, is the saddest commentary to be found anywhere on the theory of representative government.”

In a debate in the House December, 1800, Representative Smilie said:

“Not a man in the District would be represented in the Government, whereas every man who contributed to the support of a government ought to be represented in it; otherwise his natural rights were subverted and he was left not a citizen but a slave. It was a right which this country, when under subjection to Great Britain, thought worth making a resolute struggle for and evinced a determination to perish rather than not enjoy.”

In 1803 the “unrepublican” condition of the District was again a matter of comment and it was proposed to recede to Maryland and Virginia jurisdiction over the parts of the District originally ceded by them. John Randolph, jr., in February of that year, said in the House:

“I could wish, indeed, to see the people within this District restored to their rights. This species of government is an experiment how far freemen can be reconciled to live without rights; an experiment dangerous to the liberties of these States.”

Statement of James Wickersham, Delegate from Alaska, in an interview published August 10, 1913:

"It is amazing that the District of Columbia, with nearly 400,000 highly educated inhabitants, has been refused representation in Congress when there are at least six States in the Union with a less population, less wealth, and that pay less taxes and have no more reason for representation than this District of Columbia. But each enjoys full representation in the House of Representatives as well as in the Senate.

"Alaska was purchased by the United States in 1867, but the first Delegate was not elected until 1906. Prior to 1906 the Territory had received no beneficial legislation in aid of the development of her resources or government by the people there. Since that date there has been a greater material development in Alaska than in all the preceding 40 years.

"No American community ought to be compelled to exist for so many years without representation in Congress. It is illogical in the first place and an injustice in the second place, to say nothing of the inconvenience to the people who are thus excommunicated from the enjoyment of their American birth-right—participation in their own governmental affairs.

"I feel most emphatically that the bill designed to grant this long-delayed representation of the District of Columbia in the National Legislature should be passed by Congress without delay."

Later, when asked his opinion as to whether he considered his effectiveness as Delegate from Alaska would be strengthened by his having a vote as do the Representatives from the States, he declared that, on the contrary, he believed his usefulness was greater through not having a vote. "I find it a great advantage," he said, "not to be required to be a partisan at critical times; not to be required to line up with any particular group and thereby incur antagonism from other groups. Furthermore, my not being required to study all general matters of legislation coming up for a vote in the House gives me a great deal more time to devote to the particular interests of Alaska."

Statement of Representative C. O. Lobeck, of Nebraska, in a speech at a meeting of local citizens at the Ebbitt House, November 26, 1913:

"The District of Columbia is sorely handicapped by reason of the fact that it has no representative in Congress to look after the interests of the people here."

The "cow-boy mayor" of Omaha, James Dahlman, was present on the same occasion and declared:

"I am tempted to come to Washington myself and join you in the fight for suffrage."

Statement of William C. Redfield, then Secretary of the Department of Commerce, at an annual meeting of the Associated Charities at Rauscher's, December 2, 1913:

"From a governmental standpoint, I look upon the District of Columbia as a curiosity. In my home city of Brooklyn, N. Y., we make the commissioner of charities do as we want him to do because we are governed by a people whom we select.

"We are governed there by those who are of us. In the District it is quite different. The men who govern you are not of you. Suppose one of you were to be sent 3,000 miles across the country and were there asked to make wise decisions on various subjects for that community, and then to take care of your home town, in addition to looking after the affairs of the Nation as a whole. The whole problem is one amusingly ridiculous as far as its responsibilities are concerned. But you have the right to appeal to the peculiar sense of honor of those who have charge of this great and growing city."

Statement of Joseph W. Folk, former governor of Missouri, then chief counselor for the Interstate Commerce Commission, made in a speech at a meeting at the Ebbitt House on April 13, 1914:

"Washington should be made a model for all America, not only in civic playgrounds, etc., but in the government by the people. If it be said that the experiment were tried in years gone by and resulted in corruption, the answer is that all the large cities of the country were venal in their governments at this time. The people everywhere have been awakened since then. They have come to realize that where they have the ballot, they can make the government of the city and of the State just as good as they wish to make it, or just as bad as they permit it to become.

"There should not be any place in the United States where the people are subjects rather than citizens. Above all, the Capital City itself should not be

denied the privilege of American citizenship and be kept in ignorance of American ideals, a knowledge of which can only come through the exercise of the ballot according to a freeman's will."

Statement of John Burke, former governor of North Dakota, and then Treasurer of the United States, on the same occasion:

"We have heard speeches here on equal rights and equal privileges. It seems you have not equal rights of others you are deprived of the right of suffrage. I believe that what makes better citizens is giving the individual more responsibility. What reason has a man to respect the law when he is denied a part in making the law?"

Statement of William F. Gude, prominent local business man and civic worker, then president of the Washington Chamber of Commerce, now a member of the District Rent Commission:

"I am for a District delegate, because it would give justice to all concerned. The District is like an orphan and is not treated with the consideration that it deserves as the seat of the National Capital. This is so not because Congress does not want to do better by the District but because of a lack of a thorough understanding.

"Members of Congress need some one to keep them properly in touch with the needs of the District.

"There are plenty of cases on record where Congressmen actually have lost their seats because of the time they have taken from their constituents' interests to look out for District matters. It has been necessary for some one to do this, owing to the lack of a District delegate.

"If we had a delegate in Congress to officially represent our interest, he would be responsible for attending to local matters in Congress, and it would be his business to get matters in their proper shape for presentation to that body."

Statement of Mrs. Mary E. Brown, a member of the committee of the W. C. T. U. appointed to cooperate with the District Delegate Association, contained in a letter written to the Senate District Committee, February 25, 1914:

"Being a property holder and a taxpayer of the District of Columbia, also representing about 800 women of the Women's Christian Temperance Union, I urge your most honorable body to a favorable action on the Poindexter bill, which provides for the election of District delegate. We feel the urgent need of a representative in Congress to present our needs."

Statement of Ross P. Andrews, prominent District merchant and civic worker, then president of the Retail Merchants' Association, published in the Evening Star, September 4, 1913:

"I am emphatically in favor of a delegate in Congress representing the District of Columbia. I think it takes nerve to ask any man elected to serve in interests, for instance, of Minnesota, to devote his time to the consideration of District of Columbia affairs. A personal friend of mine on the District Committee says that while he appreciates his obligation of serving the National Capital and all that, at the same time his constituents look to him to serve the interests of those who elected him. They say to him, 'Why do you spend your time on the affairs of Washington City? We want you to look out for us.' This Member of Congress came near to being defeated on account of his zeal for District affairs. My experience has been that this is the universal sentiment in Congress.

"It is an inconsistent situation that allows this community no right to participate in the discussion of legislation for its own government, and I am heartily in favor of the efforts of the District Delegates' Association to secure this much-needed representation.

"I think all organizations of the District should follow the example of the Federation of Citizens' Associations in indorsing the proposition and giving their assistance to this worthy campaign."

I would like to say that the Federation of Citizens' Associations, which represents practically all the citizens' associations of the city, 20 or 25 at that time, voted unanimously in favor of the delegate bill.

The CHAIRMAN. How many did you have present when that vote was taken?

Mr. CLAFLIN. Can Mr. Clayton answer that question?

Mr. WILLIAM McK. CLAYTON. In the federation there are 38 associations.

Senator SHEPPARD. How many were present when the vote was taken?

The CHAIRMAN. You may have a unanimous vote when there are only one or two persons present.

Mr. CLAFLIN. Mr. Clayton presided at the meeting.

Mr. CLAYTON. At that time there were three questions presented to the federation. All of the associations were not represented there. There were three propositions presented at that meeting: First, the local self-government feature, town council, sponsored by a few; and, second, the delegate proposition. When put to a vote the local self-government proposition failed, I think having two or three votes. The delegate proposition, as I remember, passed unanimously.

The CHAIRMAN. I want to know whether it was a representative meeting or a meeting of only a few people.

Mr. CLAYTON. Thoroughly representative. It was a regular meeting of the federation.

The CHAIRMAN. Were there 50 people there?

Mr. CLAYTON. At that time we only had one delegate from each citizens' association.

The CHAIRMAN. Were all these delegates present from these associations?

Mr. CLAYTON. All were present that were usually present. It was a thoroughly representative meeting, and there was no effort to do anything but what was square and honest in taking the vote. The federation also is in favor of national representation and stands solidly back of that.

Mr. CLAFLIN. The date on which the action was taken by the federation was at a meeting on August 30, 1913. In view of the fact that the suffrage question was a live issue, the meeting of the federation was unusually well attended.

Mr. LLOYD. Mr. Chairman, I think Mr. Clafin is speaking of one meeting and Mr. Clayton is speaking of an entirely different meeting. The meeting Mr. Clafin is speaking of was held in 1913, and the meeting Mr. Clayton is speaking of was held in 1921. Is not that right?

Mr. CLAYTON. No. I made myself very plain. It was unanimously for the delegate proposition. I can not give those dates.

Mr. LLOYD. He says it was in 1913. Is that the meeting to which you refer?

Mr. CLAYTON. Yes.

Mr. CLAFLIN. Statement of Ellen Spencer Mussey, then dean of the Washington College of Law, formerly vice president of the Washington Board of Education. In a letter to the Senate Committee on the District of Columbia, in February, 1914, advocating a favorable report to the Senate on the Poindexter delegate bill, Mrs. Mussey said in part:

"I have been a resident of the District for 40 years and actively interested in all that concerns the welfare of the people. It is my belief that no community of equal intelligence in the United States ever suffered so much from misrepresentation as have the citizens of the District."

Mrs. Mussey in her letter then discusses how her experience as a member of the local board of education thoroughly convinced her of the need of a delegate from the District on the floor of the House of Representatives.

The CHAIRMAN. You say "misrepresentation" or "misgovernment." She does not give any specific forms of misgovernment. Does she mean to imply that the District of Columbia is not as well governed as other cities?

Mr. CLAFLIN. I don't think that is what she had in mind at all, for I know she has the highest respect for the government of the District of Columbia.

The CHAIRMAN. I wanted to get an idea whether it was a satisfactory plan, whether the plan itself was condemned or whether the government itself was unsatisfactory.

Mr. CLAFLIN. The real point which she felt strongly at that time was that we did not have national representation. What she meant by "misrepresentation" was the fact that at times Members on the floor of Congress made statements concerning District affairs of which they were not well informed, and if we had had a delegate that delegate could have supplied that information. There have been hundreds of instances of that kind.

Mr. AYRES. Is the gentleman speaking with authority or is this just his opinion as to what she meant?

Mr. CLAFLIN. It is my opinion, based on a pretty good knowledge of her ideas.

The CHAIRMAN. The reason I asked the question is that the committee wants to know where the charge is made that the District of Columbia is not a good government, that the people are not as well governed as they are in other communities, or whether the charge is entirely based upon the fact that the people are dissatisfied because they do not have a part in that government. If you have a bad government, that ought to be shown here, it ought to be brought out; but if you are as well governed as other cities, and you are dissatisfied

merely because you are not given the right to vote, we want to know that. We want to know which one of those is uppermost in your mind.

Mr. CLAFLIN. So far as I am personally concerned, I have no information to present to the committee to show that the present form of government is not satisfactory.

Mr. BRANDENBURG. Mr. Chairman, I think I can speak as well for Mrs. Mussey in this matter as the speaker who has just addressed the committee. Mrs. Mussey is in hearty support of the position we take, namely, for a constitutional amendment. Mrs. Mussey has never, so far as I know, and I know her well, taken the position that the city of Washington is not well governed. Her theory is entirely one that we are taxed without representation.

Mr. CLAFLIN. Statement of Frank J. Hogan, prominent local attorney, published August 8, 1913:

"The government and citizens of the National Capital are at present without a voice respecting matters of the most vital importance that come continually before the body that legislates for this helpless community."

"A delegate in Congress—a man thoroughly familiar and in sympathy with District affairs—would be of inestimable aid in protecting local officials from the inconvenience and possible embarrassment of appearing before committees of investigation.

"He would be in a position to give Congress all the information desired and thus make formal investigations unnecessary.

"I think the Poindexter delegate bill is admirable. It is fair and just in its treatment in every issue and should meet with the approbation of every true and loyal citizen of the District."

Statement of Joseph P. Annin, newspaper writer, in an article published in the Washington Herald, March 31, 1913:

"Sentiment in favor of a delegate from the District to Congress has grown rapidly since District affairs began to require more than the usual amount of individual thought from the national legislators. It is a peculiar anomaly that a Territory the size of the District embracing a population as great as that of many States at the time of their entry into the Union, should be without a voice on the floor of the House, while distant territories, populated by alien races, at best not many generations removed from the savage, should be granted privileges denied the residents at a Nation's capital. The Philippine Islands have two elected resident commissioners; Porto Rico has one commissioner; Alaska and Hawaii each has a delegate. The need of such a voice in the House is felt by all who have been called upon to pass on District matters, and if such a bill could be brought to the calendar of the House, it would be assured of early and favorable action, if properly framed."

Statement of Capt. James F. Oyster, now one of the Commissioners of the District, formerly president of the board of education, then president of the Washington Chamber of Commerce, at a meeting of the United Brotherhood of Carpenters and Joiners of America on September 16, 1912:

"Congressmen give us very little attention here in the District because we have no vote. We are taxpayers without representation. We have a form of government that is very agreeable, but the District commissioners have not enough power. We should have a representative on the floor of the House to tell the Members our needs."

A later statement of Capt. Oyster in an interview published August 7, 1913:

"I am heartily in favor of the District being represented in Congress by a Delegate. The more I have thought about it the more positive I am that it would be an excellent thing for the District. Members of Congress, I believe, would take more interest in local legislation and committees would be more active in handling matters pertaining to the District.

"This bill, introduced by Senator Poindexter, makes careful provision for the qualification of voters, which I consider to be wise, and the bill goes into the general subject very much in detail.

"The District has long needed an official representative in Congress, one to whom the people as a whole may look for presenting the views and sentiments of the community in matters affecting them, and I believe this bill to be the one that will most satisfactorily provide for this representation."

The CHAIRMAN. At the beginning of the hearing I stated that the Jones bill would also be considered during this hearing. We afterwards found it had been referred to the Judiciary Committee, and I then stated that it would not be considered at this time. Senator Jones thinks it should have been referred to this committee. He has now gone into the Senate to have the refer-

ence changed from the Judiciary Committee to this committee, so the scope of this hearing will cover that bill as well as the other.

Mr. CLAFLIN. May I ask what that bill covers?

The CHAIRMAN. That provides for a constitutional amendment.

Mr. BRANDENBURG. May I speak for this side?

The CHAIRMAN. I just wanted to make the statement that those who wish to speak for complete statehood will have the right to do so. Otherwise it would not be presented at this hearing.

Mr. CLAFLIN. I will quote also an editorial in the Evening Star in support of our Delegate proposition. The editorial appeared in the issue of October 24, 1913, and in part is as follows:

"The strongest argument for a Delegate is found in present conditions, which suggest that through the hurtful activities of certain of the legislators whom the American people have chosen to represent the District in Congress the financial relations between Capital and Nation are already as disturbed and chaotic as they can be; that real representation in Congress, though desirable and equitable, can not at this time be secured; and that it is possible at this time to win for the District a Territorial Delegate who may serve a useful purpose in any event and may help to real representation in Congress.

"The Star is in sympathy with the District's appeal for increased representation in its government and for protection in the feeble, indirect representation which it now has. It believes Washington entitled to every political privilege consistent with full legislative and executive control of the Capital by the Nation. It believes that the local community should be treated as an integral part of the Nation in exercising this control. While it feels that Washington should ask full representation so far as Congress is concerned and be satisfied with nothing less, if the community after due deliberation shall be disposed to try again the experiment of a voteless Delegate the District's wish in this respect should, in the Star's opinion, be met by Congress, and the Star will cooperate heartily to this end."

We feel that it has been fairly shown that the people of the District of Columbia want a Delegate. It is almost impossible to find anyone who is not in favor of representation of the District of Columbia in Congress. However, a good many people feel that we ought to have full statehood, voting representation, Senators, and so on, but they do not realize in taking that position that it is a very difficult thing to get. They do not stop to realize that it will require a good many years to secure a constitutional amendment. However, when you discuss it with them on that basis they invariably say they believe we should have a Delegate at once to represent us during the 8 or 10 years it might require to get through a constitutional amendment.

Senator CAPPER. You favor the Delegate plan?

Mr. CLAFLIN. Yes, sir.

Senator CAPPER. Is that as far as you go now?

Mr. CLAFLIN. I think that is as far as we can go now.

Mr. JOHN JOY EDSON. You are in favor of a constitutional amendment, are you not?

Mr. CLAFLIN. We always have been, but do not believe it practical to push that at this time. I feel, and my opinion is based on some definite information, that there is not a majority of the Senate nor in the House that will vote for a constitutional amendment, but that there is a very strong sentiment, in fact, what you might call an overwhelming sentiment in both Houses for the granting of a Delegate to the District of Columbia. Therefore, while I would like to see the District get as full representation as possible, I believe it is entirely feasible and expedient to take the Delegate at the present time, if we can get it.

Senator SHEPPARD. How do you propose to select a Delegate?

Mr. CLAFLIN. By popular election.

I desire to read the report which the subcommittee of the Senate District Committee made in presenting to the Senate for favorable consideration, the Poindexter Delegate bill.

Senator CAPPER. What year was that?

Mr. CLAFLIN. That was in 1916. The report was made to the Senate on May 15, 1916, and placed on the calendar.

The CHAIRMAN. In discussing this matter it would help the committee very much if those discussing it could give us the character of the administration at the different times, when you had a mayor that you elected yourselves, when you had a local government that was the result of your own vote. We would like to have you give the character of that government. What this committee

wants is to give the District of Columbia the best government we can. Whether it is to give you a District Delegate, or whatever it is, we want to do it, but we want to give you the best government we can, and we must be governed somewhat in our own opinions by the result of the trial of the former governments.

Mr. CLAFLIN. I understand other speakers will cover that phase of the subject.

The CHAIRMAN. I just called attention to the fact that I think you can help us very much if you will do that.

Mr. CLAFLIN. I think that is a logical proposition.

I wish now to read the report made by Senator Pomerene and the subcommittee on the Poindexter bill:

[Senate report No. 443, Sixty-fourth Congress, first session.]

The Committee on the District of Columbia of the Senate reports favorably upon Senate bill 681, and recommends its passage with the amendments therein indicated.

The bill as presented by Senator Poindexter provides for—

(a) The nomination and election of a Delegate to the House of Representatives from the District of Columbia, and defines his powers and privileges.

(b) A presidential primary.

(c) The election of delegates to the national presidential conventions.

(d) The necessary election machinery for said purposes.

(e) Prescribes the qualifications of electors.

The bill as favorably reported eliminates the provisions relating to the presidential primary and the election of delegates to the national presidential conventions. As amended and approved by the committee, it authorizes (a) the nomination and election of a Delegate to the House of Representatives and defines his powers and privileges; (b) the necessary election machinery; and (c) prescribes the qualifications of electors in the District. Under this bill, the Delegate is given the same powers and privileges and is entitled to the same rate of compensation as the Delegates in the House of Representatives from the Territories of the United States.

The committee decided to strike out the provisions of the bill relating to a presidential primary and the election of delegates to the national presidential conventions, because waiving the differences of opinion as to the policy of such legislation, the members believed it would be impossible to pass this bill so as to make it effective for the coming presidential conventions. If the pending bill should be passed the election machinery will be provided and it will be a comparatively simple matter, later, to provide for the presidential preference primary and the election of delegates to the national presidential conventions.

BRIEF HISTORY OF THE LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA.

Under the Constitution Congress exercises "exclusive legislation in all cases whatsoever of such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States."

On July 16, 1790, the Congress accepted from Maryland and Virginia the District of Columbia, and it was provided that "the operation of the laws of the State within such District shall not be affected by this acceptance until the time fixed for the removal of the Government thereto and until Congress shall otherwise, by law, provide." Under this act, and for 10 years thereafter, the territory ceded by Maryland was subject to Maryland-made laws and that ceded by Virginia to Virginia-made law.

On February 27, 1801, Congress again declared that the laws of Maryland should continue in force in that portion of the District ceded by Maryland and the laws of Virginia in that portion of the District ceded by Virginia.

On May 3, 1802, the city of Washington was incorporated. Under this act, a council of 12 members was created to be elected annually by ballot by the free white male inhabitants of full age. The 12 councilors thus elected chose from their number 5 members to form a second chamber. The mayor was appointed by the President of the United States. He in turn appointed all other officers of the corporation. Ordinances passed by the council were subject to the approval of the mayor, but could be reconsidered and passed over his veto by three-fourths vote of the two branches of the city council.

In 1804, this system was so changed as to provide for two chambers in the city council, of nine members each, elected annually.

In 1812, the charter was again amended so that the corporation was composed of a mayor and board of aldermen and a board of common council. The board of aldermen had eight members elected for a term of two years, two from each of the four wards, one-half retiring each year. The board of common council had 12 members, 3 from each ward, elected annually. The mayor was annually elected by the joint ballot of the common council and the board of aldermen. The franchise was restricted to white male citizens who were taxpayers.

In 1820, a new charter was provided, to remain in force for 20 years, or until Congress should otherwise provide. The most important change made in the city government was the election of a mayor biennially by popular vote. With slight changes, this charter continued until 1848, when it was again amended and renewed for another period of 20 years.

By the act of 1848, other offices were made elective and suffrage was extended to all free white males of 21 years of age who were subject to and had paid their taxes.

In August, 1861, Congress passed an act combining the cities of Washington and Georgetown and the county of Washington into a "Metropolitan police district." Five commissioners of police, appointed by the President of the United States for a term of three years, together with the mayors of Georgetown and Washington, formed the board of police commissioners, to which was given entire control of the police force of the District of Columbia.

On January 8, 1867, the right to vote at elections in the District of Columbia was extended so that all male persons above the age of 21 years should have the right to vote in the District, without distinction on account of color or race.

In 1868, with slight changes, the charter was again extended for one year and later, until 1871, when the city of Washington was merged with the other parts of the District of Columbia.

On February 21, 1871, the government of the District was reorganized in a way similar to that provided for the Territories of the United States. The executive power was placed in a governor appointed by the President and confirmed by the Senate. The legislative power was vested in a legislative assembly composed of a council and the house of delegates. The council had 11 members appointed by the President with the approval of the Senate. The house of delegates was composed of 22 members elected annually. The governor was given the right of veto, which could be overruled by a two-thirds vote of all the members of the council and the house of delegates. The right of suffrage was exercised by all male citizens over 21 years of age. The legislative power of the District extended "to all rightful subjects of legislation within said District, consistent with the Constitution of the United States," and the provisions of the act of February 21, 1871, subject, however, to certain limitations contained in the act itself and all the acts of the legislative assembly were at all times subject to repeal or modification by the Congress of the United States. The financial powers of the new government were definitely limited. The power to tax and to make appropriations was vested in the legislative assembly within prescribed limits.

A board of public works, however, was created, consisting of the governor and four persons appointed by the President and confirmed by the Senate. It was vested with power to make all regulations considered necessary for keeping in repair the streets, avenues, and sewers of the city and all other work which should be intrusted to it by the legislative assembly or by Congress.

This act further specially provided for the election of a Delegate to the House of Representatives, with the same rights and privileges exercised and enjoyed by the Delegates from the Territories of the United States, and he became ex officio a member of the Committee for the District of Columbia.

It will serve no good purpose to go into the details of the history of the administration of the affairs of the District during the operation of this law. Suffice it to say that the board of public works, under the authority vested in it, adopted elaborate plans of public improvement at a total estimated cost aggregating over \$6,000,000, one-third to be assessed upon private property according to the benefits conferred by such improvements; but while the original plans provided for the expenditure of over \$6,000,000, the board of public works entered into contracts involving an expenditure of over \$12,000,000 in excess of this sum. The District became bankrupt and the law of 1871 was repealed.

On June 20, 1874, a new law governing the District was passed. Under it, while the Delegate then serving was permitted to continue for the term for which he was elected, the Delegate was thereafter discontinued. Three com-

missioners were appointed, vested with all powers formerly exercised by the governor and the board of public works. They were forbidden, however, to make any contract or incur any obligations "other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, in the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act."

The "organic law" of the District of Columbia was passed June 11, 1878, and with sundry amendments now remains in force. ✓

Under its operation the administrative authority in the District is vested in three commissioners, appointed by the President and confirmed by the Senate. They are also clothed with legislative authority in purely local matters. The judicial officers in the District are also appointed by the President and confirmed by the Senate. Under this law the citizens of the District are without any voice whatever in either local or National Government.

Briefly stated, the foregoing résumé of the history of the District shows four different periods, each with its own plan of government. During the first period, that part of the District coming from Virginia was governed by Virginia laws and that part of the District coming from Maryland by Maryland laws.

During the second period, the government was vested a portion of the time in a mayor appointed by the President and a council elected by the people, and a second chamber of five members chosen by the council. During the rest of this period and continuing until 1871 the District was controlled by a board of eight aldermen elected biennially and a board of common council elected annually, and a mayor chosen by joint ballots of the common council and board of aldermen.

During the third period, the District had the Territorial form of government, consisting of a governor appointed by the President, a legislative assembly composed of a council and house of delegates. The council were appointed by the President and the house of delegates elected by the people. A Delegate was provided for to represent the District in the House of Representatives.

The fourth period began with the organic act of 1878, and is now in operation, with a board of three commissioners appointed by the President.

Of course, the government of the District could not continue to be operated and to progress under the laws of Maryland and Virginia. As the District was formed for the seat of the National Government, your committee can understand why the people within the District might not, if given full and complete control, administer its affairs on a scale sufficiently national either to meet the requirements of the Government itself or of the American people. Because of this fact it is believed that the municipal form of government as it existed prior to the year 1871 did not meet the national requirements, and the Territorial form of government between 1871 and 1878, because of its extravagance and lax administration, met neither the approval of the people of the District locally or of the people of the country at large.

While sound governmental policy would seem to suggest that the National Government should have control of the District rather than that the District should have control of the Government buildings and property within the District, we believe there is no valid reason why the people of the District should not have some voice in the National Government, as well as those who are living outside of the District and in other sections of the country. The United States is a representative Government. Congress meets in the Capitol. Senators and Representatives come yearly to perform their legislative duties, refreshed by contact with their home people, and because thereof better able to represent their views. Each of their constituents is a sovereign citizen; he is a part of the Government, State and National; he has a voice in the selection of his officers and, either directly or indirectly through his Representatives, makes and enforces all laws, State and National, affecting life, liberty, and property. But here in the District of Columbia, in the Capital of our country, in the shadow of the very dome of the Capitol itself, where our Chief Executive lives, and where sit the greatest court in the world and the two branches of Congress, controlling the affairs and the destinies of a hundred millions of people, live nearly 400,000 American citizens whose life, whose liberty, and whose property are under the absolute control of the Executive, the Congress, and the judiciary, without any right to vote or to participate in the making or administration of the laws under which they live and move and have their being.

More American citizens live in the District of Columbia than in any one of the States of Nevada, Wyoming, Delaware, Arizona, Idaho, or New Mexico, yet

Senators and Congressmen have waxed eloquent in their demands that Territories subject to the control of the Federal Government shall have statehood and that our foreign possessions may have independence so that they may work out their own destinies. Is it possible that a Congress of a sovereign people will continue to insist, as they have insisted, that all the people of our island possessions shall have a voice in their own Government, and yet deny this sacred right to the nearly 400,000 people who live within the District of Columbia? The control of the Czar of all the Russias over his subjects is not more complete than is the jurisdiction of our Government over the people of this District.

Argentine, Brazil, and Mexico have copied our Constitution and form of government. They have Federal districts for their respective capitals similar to the District of Columbia, but the people in those districts are given the right of representation in Congress.

It is in no sense a disrespect to the Members of either House of Congress to say that they have a more personal interest in the affairs of their respective States or Districts than they have in the District of Columbia. As a consequence, there is not that personal touch between the District and the Congress that exists between the Congress and the people of the several States or Districts.

The pending measure, if passed, gives to the citizens of the District only the right to elect a Delegate to the House of Representatives who may, on the floor, represent its citizens and present their cause without the right to vote. It gives them only the same right in national legislation that the people living in the Territory of Alaska now have. If the people of Alaska have the right to be thus represented, by what process of reasoning can the people of the District be denied the right? Are they less patriotic or less intelligent than the people of Alaska or the people of our own States? Have they less so much of civic pride that they do not deserve to share in working out the political destinies of a great people in which they are so much interested and a part of which they are? May we ask those who oppose this legislation, are they willing to have laws enacted for their own constituents which will shear them of their political status and leave them with no greater share in their Government, local or national, than the people of this District now have? How many of them are willing to say, "We will consent that our States or our Districts shall be controlled by a Congress composed of men elected by other States and other Districts," and deny themselves the right of representation in Congress? If Senators and Congressmen are not willing to surrender these rights, how can they consistently deny to nearly 400,000 of their fellow citizens living in the District the right of representation on the floor of the House of Representatives?

Some men oppose all representation for the District in either branch of Congress, because, it is said, that when the District had local self-government it was not properly administered. We grant that this may be so, but who will rise up and say that since the people of the District have been denied representation the burdens of government have been equally distributed, its blessings properly bestowed, its affairs properly administered, its poor sufficiently cared for, or that its slums have been wiped out? To what greater or better extent has municipal government prospered here than in other cities which are self-governed? The majority of the committee recognize that the status of the people of the District is different from that of any other portion of the country, because it is the site of the National Government, and it is and always will be the principal institution in the District. As a consequence, any legislation on the subject should have a national rather than a local aspect, and if it were a choice between a purely local government as controlling the District and all its institutions therein, of one purely national, the committee would prefer the latter, but it is not denationalizing the District to allow its citizens to participate with the rest of the people of the Nation in the government of the District itself. To that extent it helps to nationalize the significance of the District. It helps to popularize government. It will wipe out the inconsistencies in our institutions of having a nonrepresentative people in the very shadow of a representative Government.

The writer only regrets that the bill does not go further.

QUALIFICATIONS OF ELECTORS.

Section 3 of the bill defines the qualifications of electors as follows:

SEC. 3. That all citizens of the United States, twenty-one years of age and over, without regard to sex, who are actual and bona fide residents of the District of Columbia, and who have been such residents continuously during

the entire year immediately preceding the election, and who have been such residents continuously for thirty days next preceding the election in the precinct in which they vote, and who shall be able to read the Constitution of the United States in English and write their own names, shall be qualified to vote in all elections held in the District of Columbia: *Provided*, That no idiot or insane person or persons convicted of a felony shall be entitled to vote. Temporary absence from the District shall not affect the question of residence of any person, provided the right to vote has not been claimed or exercised elsewhere.

By the law of May 3, 1802, the right of suffrage was limited to free white male inhabitants 21 years of age.

By the act of 1848 it was limited to all free white males of 21 years of age who were subject to and who had paid their taxes.

By act of January 8, 1867, the right to vote was extended to all male persons above the age of 21 who had the right to vote in the District without distinction on account of color or race.

By act of February 21, 1871, the right of suffrage was exercised by all male citizens over 21 years of age.

At present the right of suffrage does not exist in the District. Congress alone has the sole power to confer it within the District and upon such terms and conditions not inconsistent with the Constitution as in its wisdom it may determine. There is no other way under the Constitution whereby to bestow this right.

The majority of the committee believe that it should be granted to both men and women alike who have continuously resided in the District for a period of one year, and who have continuously resided in the precincts in which they vote for 30 days and who meet the following qualifications: That they may be able to read the Constitution of the United States in English and write their own names.

ELECTION MACHINERY.

The bill clothes the Commissioners of the District with the powers of an election board and adopts the Australian method of voting which prevails in many of the States.

The members of subcommittee giving the hearing and making this report were as follows: Atlee Pomerene, Ohio, chairman; Henry F. Hollis, New Hampshire; Willard Saulsbury, Delaware; William P. Dillingham, Vermont; Lawrence Y. Sherman, Illinois.

The main committee on the District of Columbia favoring this report and placing the delegate bill on the calendar were John Walter Smith, Maryland, chairman; Atlee Pomerene, Ohio; Marcus A. Smith, Arizona; Henry F. Hollis, New Hampshire; Ollie M. James, Kentucky; Willard Saulsbury, Delaware; Thomas S. Martin, Virginia; James D. Phelan, California; William P. Dillingham, Vermont; Wesley M. Jones, Washington; John D. Works, California; William S. Kenyon, Iowa; Lawrence Y. Sherman, Illinois; Thomas Sterling, South Dakota, Alban M. Wood, clerk.

Senator JONES. I want to make a statement right here. I was a member of that committee. That relates to a Delegate in the House of Representatives. My opinion then was the same as my opinion now, that the Senate really ought not to consider a proposition of that kind until the House has acted upon it, as it has to do with who shall compose its membership. Each House is the judge of the qualifications of its Members, and I think the Senate should not consider the question of putting a Delegate in the House until the House has expressed its desire in the matter.

Mr. CLAFLIN. That is a matter of procedure, of course, and for you to decide.

I have here several letters on the subject of the District of Columbia being represented in Congress by a Delegate that I would like to submit. The general ground has been pretty well covered.

(The documents referred to are here printed in full as follows:)

NOVEMBER 1, 1915.

Senator W. E. CHILTON,

Chairman Joint Select Committee of Congress investigating the fiscal relations of the Federal Government and the District of Columbia.

I desire to present for your consideration the following proposition on behalf of the District Delegate Association:

We believe the first logical reform in the affairs of the District of Columbia should be that its people be provided with an official spokesman, a representative

elected by them at a properly authorized and conducted election, who could thus speak for them with due and legal authority.

As matters now stand there is no one man or group of men, even in this hearing being conducted by your committee, who has the authority or right to say that he or they represent the taxpayers or the people of the District of Columbia. No one can do so, as the District people have had no opportunity to authorize anyone to speak for them. No one officially knows the majority sentiment of the people of the District; at best it can only be surmised.

Our proposition is that the whole people of the District should be given a real hearing—an opportunity to express officially their majority sentiment regarding this question which is so vital to their government. It affects the community as a whole, and the community as a whole should be heard from before a radical change is made. No man should be accepted by your committee as spokesman for the local people, and no man should presume to exercise that prerogative under the present circumstances of the District of Columbia.

Our proposition is that Congress, in the coming session, shall authorize the citizens of the District to hold an election, express their views on this fiscal question and on other questions affecting their government. At the same time a delegate could be elected by them to represent them before Congress and its committees.

Is it right that your committee should recommend to Congress a radical change in our local government without giving us a real opportunity to be heard? Is this not a community of Americans? Are we not entitled to our rights and liberties as such? Do you not, as a committee acting for the highest legislative body in the Republic, stand for American principles? I believe that we all agree with President Wilson in his opinion that the fundamental principles which give America distinction in the annals of the world is that America shall have no government at all that does not rest upon the consent of the governed.

No group of men, not even those constituting the National Congress, has the moral right to make a radical change in the form of local government of a community of fellow American citizens, especially where that form was given to them and so accepted as permanent, without their officially expressed consent.

While the present form of government in the District of Columbia has operated over 35 years with all the outward evidences of a satisfactory, peaceful, just, and successful arrangement, it is nevertheless true that improvements can be made to bring it up to date. But to make these improvements it is not necessary to uproot the entire foundation.

The greatest needed improvement—one which must and will come, for it is right—is that the people of the District be represented and given a voice in their own government. This is right because it is the very cornerstone of the American principles laid by our forefathers. Grant this right to the District people and the necessary reforms will gradually work themselves out, and in a more satisfactory manner than is possible where one side has all the say. There is too much politics in the country in general and not enough in the District of Columbia.

The men of Congress can not truly sense our local needs. We must work out our own salvation. Give us the opportunity to get together at the polls and we will tell you what we need better than you can figure it out in the light of the problems of your respective communities. Our conditions here are peculiar to ourselves. Give us the "pencil and paper" and we will help you, and in a way that will be fair and honest to you as well as to ourselves.

This is a practical and vital question. Justice can not be done in a few months' time by a small committee, however competent it may be, and even though each member concentrates his most earnest efforts and his undivided attention. It requires the consideration of many minds, particularly of those who are most affected by it, the people of the District of Columbia.

We, the District Delegate Association, believe that this community should be granted a Delegate in Congress. We do not believe that will be sufficient. But it is something which can be brought about practically at once and will, in addition to its consequent advantages, be a step in the right direction.

In conclusion, I urge that your committee not recommend to Congress a radical change in our local government at the present time, but that you recommend that the citizens of the District of Columbia be authorized to hold an election in the near future, when they shall express their convictions as to their form of local government.

NOVEMBER 29, 1913.

Mr. OLIVER P. NEWMAN,

Chairman Commissioners of the District of Columbia:

On behalf of the District Delegate Association I respectfully urge your favorable recommendation to Congress of the Poindexter bill, S. 2863, providing for the election of a delegate to represent the people of the District of Columbia in Congress.

It is the fundamental principle of the American Government that the people themselves should have a voice in the management of their civic affairs, and that taxation without representation shall not exist anywhere within the American borders.

We urge District representation in Congress in pursuance of the right bestowed upon all American citizens by the forefathers of this country through the Federal authorities.

If the present Congress refuses to grant representation to the District of Columbia, together with the right of voting, then their neglect will be counter to the principles emphasized by President Woodrow Wilson on October 25 last, when, in Swarthmore, Pa., he made the following statement:

"The extent of the American conquest is not what gives America distinction in the annals of the world. It is the professed purpose of the conquest, which was to see to it that every foot of that land should be the home of free, self-governed people, who should have no government whatever which did not rest upon the consent of the governed."

Thus we believe that the people of the National Capitol should be represented in their Government as a matter of principle in keeping with the great idea of American civic thought.

A delegate to Congress from this community would save the Commissioners of the District a great deal of valuable time.

A delegate in Congress from the District would also save the individual Members of Congress much annoyance and time now devoted to the hearing of complaints of many citizens and organizations of Washington.

The delegate would afford the District an official voice on the floor of the House, and all know the hundreds of instances where this advantage would have been of inestimable value to this community.

We believe the granting of a delegate should precede all other reforms for the District of Columbia, because the people should have a spokesman to represent them in the shaping of legislation to remodel their government.

A District delegate would expedite local legislation in Congress. It would be his concern to keep in touch with bills desired by the District people and to promote the same.

It appears that an overwhelming majority of the people of the District of Columbia want representation in Congress.

FEBRUARY 19, 1914.

HON. JOHN WALTER SMITH,

Chairman Senate Committee on the District of Columbia.

On behalf of the District Delegate Association I urge upon you a favorable consideration of Senate bill 2863, providing primarily for the representation of the District of Columbia in Congress by a delegate.

The passage of this bill will restore to the 360,000 of the National Capital the right bestowed on all qualified American citizens—the right to vote.

It will give to this community, the population of which is greater than that of each of eight States of the Union, the privilege of being represented by one of their number in their legislative assembly, a right not denied any other American political entity.

The enacting of this bill into law will afford a much needed official connecting link between Congress and the people of the District of Columbia over whom they exercise absolute control.

This will result in the elimination of much embarrassing and detrimental misunderstanding between Congress and the local community, insuring a more harmonious and sympathetic cooperation between them.

Furthermore, it will expedite District legislation to a remarkable extent, and will relieve individual Members of the Senate and the House of Representatives of considerable time which is now required of them in attending to many routine details involved in the relations of Congress and the District government.

In debates on the floor of Congress on legislation pertaining to the District, the people of this community will have the right and advantage of being represented by an official spokesman, the right that members of Congress can not with justice withhold indefinitely from a community of their fellow American citizens.

Not only would this proposed law expedite District legislation in Congress, rendering greater fairness to the District and making the Congressmen's task lighter, but it will relieve the District Commissioners of burdensome duties which they now must perform at the Capitol, explaining, defending, and pleading for the needs of the people of Washington.

The Poindexter delegate bill does not involve any change in the present form of local government, and therefore should become a law before any such change shall seriously be considered by Congress, for this would entitle the people of the District to be heard through their elected representative on a matter so vitally affecting them.

A further reason why the Poindexter delegate bill should be made a law prior to the passage of any legislation to change the form of local government is that any alteration of the organic act in 1878 would undoubtedly provide for the establishment of a general franchise, and the Poindexter bill provides for a most complete, modern, and efficient basic election law. This law could later be made to include any other elected officers for the District, with the advantage that this law would then have been given the test of actual operation.

Not only should the Poindexter delegate bill be made a law as a matter of expediency both to the Congress and the people of the National Capital, but above all, aside from the innumerable practical advantages most sure to be derived, this representation should be granted to this community of over a quarter million of American citizens as a matter of justice and common sense.

In conclusion, permit me to call your attention to the views of Mr. Thomas Nelson Page, which he has expressed as follows:

"Congress has the power to exercise exclusive legislation over the District of Columbia; but this power is not an unbridled and unlicensed power. It is subject to all the modifications and restraints which underlie all powers.

"Under modern conditions governing bodies almost invariably endeavor to act in harmony with the views of those governed by them and endeavor to promote their interests. The good of the people is the supreme law. Absolutism does not exist in the United States—not even in the District of Columbia.

"Other Territories have their representatives. The District of Columbia alone has none. It alone must rely on the Congress for justice, for a government as good as that in other parts of the land. If the Congress fails to give it this, then it is as derelict as any other Government which is guilty of malfeasance in office. And though there be no remedy available under which the wrongs of the people of the District of Columbia may be righted, yet the Congress is all the more culpable in such a case, for it is exercising mere tyranny. And this is an injury to the whole Nation, to every citizen of the country, and to the Congress itself."

ARGUMENT FOR DELEGATE PRESENTED TO THE PARK VIEW CITIZENS' ASSOCIATION.

MARCH 2, 1911.

I believe the District of Columbia should be represented in Congress by an elective delegate for the following reasons:

Because it is right and just as an American principle for a community of citizens to have a voice in its local government.

The Constitution does not imply that Congress should deprive the District of representation as a legitimate portion of the Nation, whose citizens pay taxes into the public coffers.

The general trend of decision has been that the District of Columbia is non-descript—it is more than a Territory—distinguished by the framers of the Constitution by a dignity peculiar to itself. It is, therefore, entitled to even more consideration than a Territory or a possession. As it is, it does not have as much consideration in the matter of representation.

Every thinking man in the District, as well as in Congress, realizes that the District does not receive fair treatment from Congress under the present arrangement.

The presence in the House of Representatives of a delegate from the District would insure more definitely an open ear of Congress for our needs. The necessity is emphasized by the fact that not one District legislative bill has been passed during the session just closing; thus the accumulation of much-needed legislation has not in any wise been relieved, but added to.

No other city of over 300,000 population could make progress with its city council meeting but one or two days a year and then not producing results. Any city this size requires a very busy council working almost constantly to keep abreast of the times.

Patience ceases to be a virtue when our acting city council turns a deaf ear to our earnest appeals for the necessities of community life—when we find that body immovable by appeals to their logic or to their sense of justice or even to their sympathy for a voteless people, though living in the realm of American liberty.

When in 1878 the predecessors of the present Members of Congress assumed the responsibility of performing the duties of a city council for us, depriving the District of suffrage, it was done through patriotic motives, and was hailed by the residents as a relief on account of circumstances then existing. Did those men foresee the increase of the national demands on the time of Congress which to-day renders impossible a proper consideration of legislation for the District, whose needs also demand greater thought?

One of the stated objects of our Constitution is "to establish justice." The present predicament of the District—at the mercy of and dependent upon the charity in time and good will of the Members of Congress—is at once conceded by all to be the essence of injustice. Our interests are obviously not their interests and consequently suffer.

Congress as a whole has demonstrated conclusively not its inability to cope with our legal problems but its absolute unwillingness to do so.

A delegate representing the District could devote his entire attention to District matters and engage himself in a systematic education of Members of Congress, enabling them to vote intelligently on local affairs. He would relieve the citizens and also Congressmen of the time and labor now necessarily spent in "lobbying." It stands to reason that a local citizen living the year around in Washington will be in closer touch with the sentiment and needs of the Capital than a Congressman residing here only a few months of the year, with his interests elsewhere.

Mr. CLAFLIN. I think that from the opinions I have read from these various men and women I have demonstrated that we should have a Delegate in Congress, because it is right, it is just, it is logical, it is expedient, and, above all, it is American, as I started out to endeavor to show. I will predict that if this delegate bill is reported favorably to the Senate the vote will be, perhaps, two to one in favor of its passage, and the same in the House of Representatives. I certainly express confidence that this committee will report the Poindexter delegate bill favorably to the Senate.

The CHAIRMAN. You understood what Senator Jones said, that action providing for a Delegate in the House should first come from the House?

Senator JONES. Of course, I was only expressing my own view. I was not attempting to speak for the committee.

Mr. CLAFLIN. I did not know that was an official decision of the committee. I understood Senator Jones was expressing his view. Of course, we are not concerned about procedure. What we want is a Delegate to represent us, and the procedure is a matter to be decided by you gentlemen.

I thank you very much for your patience.

STATEMENT OF W. W. KEELER, FORMER PRESIDENT OF CENTRAL LABOR UNION AND NOW MEMBER OF LEGISLATIVE COMMITTEE REPRESENTING ALL THE LABOR UNIONS OF THE DISTRICT OF COLUMBIA.

Mr. KEELER. Mr. Chairman and gentlemen, I will state that, representing organized labor of the District of Columbia, for the past 20 years they have gone on record as favoring local self-government and District suffrage—that is, a vote at all elections, such as elections that occur in the different States. Our indorsements are recent. During the past month I personally accompanied the committee to the different organizations with the present bills pending before

the Senate and one before the House, and they have been unanimously indorsed by every meeting we have attended.

I am not authorized to speak for labor at large; but it is a matter of record of all American Federation of Labor conventions, and all international conventions that have been held in the last number of years, that they have also indorsed resolutions calling for or seeking local self-government or local suffrage in the District of Columbia.

Senator JONES. How far do you want to go in local self-government?

Mr. KEELER. I will say "local suffrage," the residents of the District to elect their local officers.

Senator JONES. Do you want to elect the commissioners and the superintendent of police?

Mr. KEELER. Oh, no; not the superintendent of police, but the commissioners, the utilities commission, the school board.

Senator JONES. Do you want a legislative council in the District?

Mr. KEELER. That has not been gone into very extensively. The commission form of government at the present time is quite popular throughout the United States, but they are elective commissioners. I think possibly that would be favored by labor.

Senator JONES. I just wanted to get your views and what you mean by "local government."

Mr. KEELER. I think I am safe in saying the same as any other locality.

Senator JONES. In a good many they elect a council and elect a marshal and all that sort of thing. I wanted to know if you wanted to go that far.

Mr. KEELER. No; I don't suppose I would. I would not favor going as far as electing the marshal or such officers as the chief of police and the chief of the fire department. That is not done in other municipalities. I would not want to go that far.

Senator CAPPER. You mean to take the appointment of the government officials out of the hands of the President and put it in the hands of the people?

Mr. KEELER. Yes, sir.

Senator JONES. Your idea is that you would elect the three commissioners for the District?

Mr. KEELER. Yes, sir.

Senator JONES. And you would provide for a separate public utilities commission and elect them?

Mr. KEELER. Yes, sir.

Senator JONES. And you would elect a board of education?

Mr. KEELER. Yes, sir.

Senator JONES. And you would elect a Delegate in Congress?

Mr. KEELER. Yes, sir.

Senator JONES. Do you want a Delegate in the Senate?

Mr. KELLER. I presume they would like to have as much representation as other States have if they could get it, but from the legal information that we have had it would be a long-drawn-out affair. To obviate the present situation a Delegate in Congress, I believe, would be satisfactory.

Senator JONES. In the House?

Mr. KEELER. In the House, similar to Alaska and other Territories that we have had in the past, and later on full representation.

I attended an international convention of the machinists last October in Rochester, and there introduced a resolution on this subject. We had a representation of 670 delegates. That was a resolution seeking the indorsement of the machinists of the United States and Canada, and was indorsed unanimously by the convention. I believe that was known as the Capper-Zihlman bill.

That is all I have to say.

Senator JONES. I might ask you the same question the chairman asked the other witness. Do you consider that the government of the District is bad and that by your system you would improve the government, or is your position based largely upon your desire for active participation by the people in the Government?

Mr. KEELER. Active participation by the people.

Senator JONES. You do not think if the change is made that you would really have any better government than you have now, except that you would have a part in it?

Mr. KEELER. Have a part in it. That is right. The laboring people are very jealous of their American rights.

Senator JONES. They are not alone in that.

Mr. KEELER. I know they are not. As American citizens they want all the rights that are granted them by the Constitution as to participation in election of their own officers, and the citizens of the District of Columbia are denied that right. Their main object is to try to get democratic Americanism.

Mr. BRANDENBURG. Have not your labor organizations taken the position that they advocate the full franchise and the right to vote for the election of President and Vice President?

Mr. KEELER. The local organizations have in the past, but recently upon information that it would be a long-drawn-out affair they favor the present bills as a sort of a starter, as it were, toward general representation in Congress. They want a Delegate the same as all Territories of the United States have had Delegates in the past, to be followed later on by regularly elected Congressmen.

Mr. AYERS. May I ask the gentleman a question? Did your organization ever advocate the granting of the right to vote to Indians as citizens of the United States?

Mr. KEELER. I don't know. Labor organizations are in favor of all American citizens voting. I don't know where there is a more established American citizen than the American Indian.

The CHAIRMAN. I would suggest that each side has six hours on this subject, and that the committee will ask any questions they see fit. The opposite sides in presenting their case can present it as they see fit, keeping within proper bounds. Any questions that are asked must be asked through the committee. If there is any special reason why the question should be asked, you can take it up with the committee, and no doubt they will ask it.

Senator JONES. I would suggest that anybody who desires to have a question asked reduce it to writing and hand it to the chairman of the committee.

STATEMENT OF MRS. MARY WRIGHT JOHNSON, OF THE FEDERATION OF WOMEN'S CLUBS.

Mrs. JOHNSON. Mr. Chairman, I had not expected to say anything until tomorrow. First, I want to call your attention to the fact that you may think this is another thing the women are mixing into. The reason we are mixing into this is not a question of rights—fighting for equal rights. It is a question that with some of we local people Washington is our Main Street. You who come here from all over the country do the best you can for us, but you can not get the proper viewpoint of our problems with the little time you are able to give us.

We people here have our problems to discuss, and we discuss them as we talk from our porches. I discuss them with neighbors as I shape my rugs and exchange recipes for rheumatism. We don't exchange recipes for croup any more, because we have progressed so that the children do not have it. We exchange recipes for marmalade and talk about the Borland law that makes us pay the cost of repairs to the streets whether we feel like it or not. We talk over the shortage of water here that, after we have had our lawns sodded, we have to let them go dry so the people who come here from the States can have water enough to drink and have their baths. It is something which affects our homes and our firesides. It is not that we want to shirk the work a woman should do in the home, or that we are not just as good cooks as any woman on the Main Street in your homes. We will match up with any of them. If you are hungry any time, let us know and we will give you a good home meal.

We have been very much interested in the tubercular school. Some of us who have raised our children now have time to go out and work on these problems and help the women who still have children to raise and must stay at home. If some of we women had not gone out of our homes and worked at that problem, where would the tubercular children be to-day? We were simply helping those people who could not get out.

Now, in regard to the criticism made of the time when we had a mayor of our own election, time has proven he was a wise mayor. He left the city in debt, but he improved the city more in the time of his administration than in all the time previous. He finished the unfinished streets; he started the sewer system; he turned the Tiber Canal at the foot of Rome into a part of the sewer system of the city; he looked out for the interests of Washington.

We believe that if you give us a chance, not only to have a Delegate in Congress, but a chance for every form of government possible for an American to have, that we would do the work well and be better satisfied. It is not any question or objection to the form of government, but the inherent instinct in every animal to have some chance to look out for itself. It is the instinct of every mother to protect her young, and the modern method is with the ballot. We can't go out and fight the way animals did. The only way we have is through the vote.

I could talk along this line for a long while, but there are many speakers here, and I want you to realize that we are not trying to dictate, but simply working for the betterment of our homes. I thank you.

STATEMENT OF WILLIAM B. WESTLAKE, FORMER PRESIDENT OF THE FEDERATION OF CITIZENS' ASSOCIATIONS.

Mr. WESTLAKE. Mr. Chairman and gentlemen, I came here to-day rather to urge upon the committee some definite action than a specific course of action. My several years of active participation in civic affairs in the District of Columbia has led me to the very strong conclusion that the people of Washington are hoping for very prompt action to give them some sort of representation in their government. Naturally, we are not united. We are no more united in Washington than are the residents of any of the cities from which you gentlemen come. We will never be able to have a hearing where there will be no opposition to any plan that is proposed. It is useless to expect us to do that, because we can not.

Some time ago we united on what we believed to be one thing that everybody could ask for and honestly want, and that was representation in both Houses of Congress by constitutional amendment. I think everybody still wants that. A great number of our people believe that will be hard to obtain, and have asked for something else, and these bills represent some compromise. There are many people who will be satisfied with a compromise, and others will not be. We can only ask that the committee in its wisdom will make the report which it believes to be the best recommendation, but we do hope that it will be some sort of a report favorable to representation of the District of Columbia, and we desire that for this reason:

It is a tremendous tax on the time and energy of the people of the District of Columbia to come up here year after year, month after month, and week after week, to discuss questions with the committees which those committees can not otherwise be acquainted with. If we had some sort of representation which would enable us to have at all times in Congress representatives who could enlighten the committees on any subject, we would be saving a great deal of the confusion and loss of time and trouble to which we are now put for that express purpose. I think it is impossible to expect the people of Washington to come to Congress every year on the same subject, time after time, and express opinions which could be so much better expressed if the authority to express them was brought down to one or two men, as the case might be. Of course, a good many of our civic bodies have taken positions which at first appearance might seem to be antagonistic, but underlying the whole thing is the one thought that we would like to have some direct means of participating in our local government.

I do not mean that in the broad sense. I don't think many people in Washington want any condition of State rights. I don't think many of the people of Washington want to change our present form of government. I think we are pretty well satisfied with that. We would like to have some voice in determining the question of who administers for us and some means of going direct to Congress, saving your time and ours on the question of what legislation should be passed.

We are all satisfied that Congress does the best it can for us. We have absolute confidence in the integrity and good intentions of Congress. That question does not enter into this discussion in any way. But it is cumbersome; it consumes lots of time and energy which might be better directed.

I think that is a statement of what the people of Washington want, and I think most of them will be pretty well satisfied with your conclusion as to what they should have, providing you give them some relief.

STATEMENT OF FRANK B. LORD, OF THE NATIONAL PRESS CLUB.

Mr. LORD. Mr. Chairman, in the light of what you have already heard, and in view of what has been told you by the representatives of the various groups which have expressed the sentiment of the people of Washington, I do not propose to enter into an elaborate discussion of the measures before you. It seems to me almost unnecessary to argue before a committee of the United States Senate, the members of which are elected by the popular vote of the people, in favor of extending the right of franchise in a limited way to a community of American citizens who are in every way as well qualified and as intelligent and as deserving as the people of the communities which the Members of Congress represent. I can scarcely conceive that a Member of the Senate or Member of the House in returning to his constituency would be subject to any censure or criticism for having conferred the right of suffrage upon an American community of half a million people. On the other hand, I can conceive that perhaps a Member of Congress might be subjected to a rebuke, perhaps, for having so long delayed action upon this matter.

But, after all, I am frank to admit that in my humble opinion the reason why Congress has not heretofore acted upon this subject is largely the fault of the people of the District of Columbia themselves. I have been upon the floor of the House for many years, as the Senator from Texas and the Senator from Washington know, and in my conversations with Members of the House and Senate I have reached the conclusion that they are willing, if the people of Washington would get together and determine what they want and determine the form in which they want it and present their claims to Congress, to yield to the wishes of the people in a very large measure.

But instead of doing that the people of the District of Columbia have been growling some and complaining a good deal. They have been like a man with indigestion, sitting around and making themselves obnoxious to their friends rather than going to a physician and getting some relief.

The people of the District of Columbia have not come to Congress for relief with any united and concerted effort.

I recall that the late Speaker Clark, who was one of the best friends the District ever had and who was so much beloved by the people of the District that when he became a candidate for the nomination of the Presidency there were at least three sets of delegates contesting with each other for the right of representation in the nominating convention for the privilege of voting for him; and Mr. Clark, on the opening day of every Congress for a number of terms, introduced a bill conferring the right of suffrage upon the District in some form or other.

Unfortunately and, it might be said, to the shame of the people of the District, they never got behind him with any united effort. They never fully appreciated the work he was willing to undertake.

It has only been in the last two or three years, since Col. Jones started the national press committee on suffrage, that there has been a concerted and united effort to bring the matter forcibly to the attention of Congress and tell Congress what we need and what we want.

I realize that probably there are some elements in the District of Columbia that are not in favor of this bill. There are others to whom the bill does not express their full sentiment and belief in respect to suffrage. But this is a sort of compromise measure, which all the groups of citizens and organizations which are represented here in favor of the bill have agreed upon.

So we have come to Congress with an agreement upon something which we ask your favorable consideration of. There is one point which the Senator from Washington made and which, while I have the fullest respect for his opinion, seems to me theoretical rather than practical. As I understood him, his idea was that a bill to confer the right of suffrage for the purpose of electing a Delegate to the House of Representatives should originate in the House. Am I correct in my understanding?

Senator JONES. It should pass there first.

Mr. LORD. That is theoretical, I think, rather than practical.

Senator JONES. I do not think so. Each House is pretty jealous of interference from the other, and I think it would hardly be right for the Senate to say there should be a Delegate in the House.

Mr. LORD. If the House of Representatives is so sensitive and jealous of its prerogatives on that subject, if the Senate can pass a bill and send it over to the House, if they feel outraged by it they can very easily refuse to pass the bill.

Senator JONES. You are not asking for representation in the Senate?

Mr. LORD. Not under this bill?

Senator JONES. Why not?

Senator SHEPPARD. Why not have a Delegate in both Houses?

Mr. LORD. I want to answer also the point raised by the chairman of the committee, that he wanted to know whether the government of the District of Columbia would be improved by the election of a Delegate, or whether we could devise any better form of government than we have at present in the District of Columbia. That is not exactly the point. We are not changing the government of the District by this bill. We are simply providing a liaison officer, as it were, between the governing body of the District, the Senate and the House of Representatives, and the people. To that extent I think the government would be improved, because it would afford a Representative, a Delegate, if you will, in the Senate or in the House, of course with the privilege of appearing on the floor of the Senate, not to speak, but to be on the floor of the Senate and appear before the committees. He would be responsible to the whole people rather than the self-constituted individuals who come to Congress and ask for action or the rejection of a measure and represent only a particular group.

The CHAIRMAN. You are speaking only for the Delegate in Congress now?

Mr. LORD. Yes, sir.

The CHAIRMAN. Your form of government would not be changed if you send a Delegate to either House or both Houses?

Mr. LORD. No, sir. The election of a Delegate would simply be a liaison officer between the governing body of the District and the people, and to that extent he would be a better representative than a self-constituted individual who comes here, has an ax to grind or wants some particular legislation enacted, and speaks only for a particular group.

The CHAIRMAN. I think you are correct, but should we pass the Capper bill, which provides for the election of the board of education and the commissioners, then you decidedly change your form of government.

Mr. LORD. That would be true.

The CHAIRMAN. You are speaking only for the Delegate bill?

Mr. LORD. I am speaking for the election of a Delegate.

Senator JONES. Are you in favor of the election of the commissioners and the board of education and the public utilities commission?

Mr. LORD. I don't want to be placed in the attitude of criticising either the government of the District of Columbia or its officers. There are a good many things it has done which, if I had the power, I would not do; and a good many things which it has not done which I would like to see done.

The CHAIRMAN. Any suggestions you may make as to a change of government will not be construed by this committee at least as any criticism of the present administration.

Mr. LORD. I am willing to say that I think the legislation to be enacted should be legislation which the people of the District of Columbia favor.

Senator JONES. I can see how you might well favor the election of a Delegate, and possibly not favor the election of other officers. I understand you are urging only the election of the Delegate.

Mr. LORD. Yes, sir. I will say that if Congress has any doubt as to what the people of the District desire a plebiscite will determine what form of local government they desire. In the meantime I think a great advantage would accrue if we would have the right to elect a Delegate.

STATEMENT OF C. T. CLAYTON, OF THE COLUMBIA HEIGHTS CITIZENS' ASSOCIATION.

Mr. CLAYTON. Mr. Chairman and gentlemen, the Columbia Heights Citizens' Association has considered the question of suffrage a good many times. On the various occasions, so far as my recollection goes, the vote has been overwhelmingly in favor of the general proposition of suffrage in the District. When it comes to the details, the association has not considered the particular bills before the committee. The only bill they have recently considered was the Burroughs resolution, which was very emphatically indorsed, as perhaps the com-

mittee knows, by the citizens of the District last spring. But at a recent meeting that citizens' association, which is represented to-day by nearly one-fourth of the gentlemen and ladies here present, I believe, they did appoint a committee of five with authority to appear, and I am speaking for that committee. The committee has examined the two bills now before the committee—the Poin-dexter bill and the Capper bill—and we have informally reached certain conclusions which I have been directed to give you.

The CHAIRMAN. And we now have the Jones bill before the committee.

Mr. CLAYTON. I am very glad to hear that. Personally, I think that is what the citizens of the District really do want, and I believe that is what they would stand for if they had an opportunity.

There are three propositions, then, before the committee. The Jones bill is intended to give us the rights of citizens. I am a lawyer; and when I have to draw a petition for a client and commence it with the form in vogue here, that the complainant is a citizen of the United States and a resident of the District of Columbia, my mind always jumps away for a moment to a reflection upon the peculiar and anomalous condition which we American citizens are living under. A citizen of the United States—just exactly like a Chinaman born in the United States. We can't vote. It is an impossible condition. I don't think the fathers who organized this Republic ever dreamed the language they used in that section of the Constitution, giving the Government exclusive control over 10 miles square, would be construed to mean that exclusive power prevented any participation in Government of the people who lived within those 10 miles square.

The CHAIRMAN. Was not that the very reason for taking that 10 miles square, so as to get a place where the Government of the United States would have absolute control over that Government? Was not that the real fundamental reason, brought about by conflict of authority in other places where they had had the Government?

Mr. CLAYTON. I don't think there is any doubt of it. I think probably in the minds of the gentlemen who wrote the constitutional provision was a recollection of the unhappy conditions which existed in a Pennsylvania city upon the well-remembered occasion when a regiment of troops stormed the Pennsylvania statehouse where they were sitting. I have no doubt they wanted to have exclusive control, and I don't think any citizen of the District wants to deprive Congress of that exclusive control.

The CHAIRMAN. The moment you give statehood you certainly would not have control by Congress.

Mr. CLAYTON. The Jones resolution, as I understand it, although it gives statehood, would not have the effect of giving it to us to such an extent as to entirely emancipate us from the control of Congress. I don't think that is the intention.

Senator JONES. It does not really contemplate statehood. It simply gives to Congress the authority to use its discretion to give you representation in Congress and the right to vote for presidential electors.

The CHAIRMAN. It is merely an amendment to the Constitution.

Senator JONES. Yes.

The CHAIRMAN. I would like to ask you, Senator Jones, if you get a constitutional amendment giving the right to vote for Representatives in Congress and for Senators and for presidential electors, would you not expect to elect some head of the District?

Senator JONES. This resolution does not even give them the right to vote.

The CHAIRMAN. It merely amends the Constitution, giving the right to vote for Senator and Representative?

Senator JONES. It does not go that far. It amends the Constitution to give to Congress the authority to provide for representation in the House and in the Senate. Congress may see fit to grant that, and it may refuse it. It also gives to Congress the authority to grant to the people of the District the right to vote for presidential electors. Congress may grant them that right and may refuse it. It does not contemplate any legislative assembly or anything of that sort—does not give that right to Congress.

The CHAIRMAN. I would like very much to see the inhabitants of the District of Columbia entitled to a vote for President. The President now appoints your commissioners, and that would give you a direct voice in who would appoint your governing officers.

Mr. CLAYTON. Yes, sir.

The CHAIRMAN. But as to giving you a local government, I think it would be a very serious mistake, and I think in doing that you would defeat the very aims for which the District of Columbia was created.

Mr. CLAYTON. I am very glad you do not wish to limit us to local government.

Senator JONES. If this resolution should be adopted and ratified by Congress, then Congress could provide for the election of a Delegate without going any further, or could provide for representation in Congress. Congress could provide for representation in Congress and stop there, or it could go further and provide for election of Representative and Senator, but it can not go further than that.

The CHAIRMAN. Congress to-day, in my judgment, has the right to provide for the election of certain officers.

Senator JONES. Not for the election of a Senator. It does not interfere with with any other authority which Congress has.

Mr. CLAYTON. It only makes it possible for us to have representation in both Houses.

Senator JONES. And to participate in the election of President.

Mr. CLAYTON. I am speaking for myself when I say I think that is what we ought to have.

Now, if I may speak for the committee, the Poindexter bill has been referred to a number of times as the Delegate plan. The great fundamental difference, as I see it and as the committee sees it, between the Poindexter and the Capper bills is this: The Capper bill turns over to the citizens the election of certain administrative officers in the District—the public utilities commission, the commissioners, and the board of education. Then it provides machinery for their election. All of those are simply matters of administrative provision. The officers themselves are ministrant, and it does not go to the root of the matter. What we are really concerned about is our connection with our governing body here—Congress. Suppose we want to put in an additional waterworks system. We must present the matter to Congress and inform Congress, and sometimes when they are busy it is very difficult for Members of Congress to take the time to go into the vast array of details necessary to fully advise themselves before they determine whether we shall or shall not have it. If we have a voice here, and that voice is intelligent and informed, it would save a good deal of time of Congress and would give us an opportunity to express our desires. That we have not now. All we can do is to come here in mass meeting and bother you for hours at a time expressing our views, perhaps none too well defined. If we had some one who is on the job all the time he could tell you what we want and tell you when we want it and advise you intelligently about it. That is provided for in the Poindexter bill.

As far as the other proposition is concerned, the election of commissioners, the board of education, etc., I must say there is an irreconcilable conflict of opinion among our own people on nearly every one of them. Some want to elect the commissioners, and others don't want it. Many believe that the commission form of government is very satisfactory. There is a great difference of opinion with relation to the members of the board of education. I have had some experience in that myself. To elect a board of education with a salary of \$1,000 a year would be an incentive for persons who are not fitted for that place to want the job, and there is not enough money to get first-class brains. I think we would be better off with no salary, if we had the board elected. There might be other things said about the public utilities commission.

But now, speaking for the committee, I want to sum up our judgment to be that as between these two bills we favor the delegate bill; but speaking for myself, and I believe speaking for the committee also, we would prefer to have representation in both Houses so that we can bring to you our views intelligently at the proper time on the very vital matters concerning the government of Washington.

If I may refer to a question the chairman asked a while ago, if you undertake to go into the history of previous experiments upon government in Washington, it is necessary to bear in mind that those experiments were all abandoned in favor of our present form quite a number of years ago. Washington to-day is in no sense to be compared with the city governed by a town council and a mayor some 50 years ago. Therefore, a comparison can not throw very much light upon the situation which you have to deal with now.

The CHAIRMAN. We are going to close the hearing to-day. The committee will adjourn until 2 o'clock next Monday afternoon, at which time the opponents to this legislation will have two hours.

(Whereupon, at 4 o'clock p. m., the committee adjourned, to meet again on Monday, the 14th day of November, 1921, at 2 o'clock p. m.)

SUFFRAGE IN THE DISTRICT OF COLUMBIA.

MONDAY, NOVEMBER 14, 1921.

UNITED STATES SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C.

The committee met, pursuant to adjournment, in the committee room, Capitol, at 2 o'clock p. m., Senator L. Heisler Ball presiding.

Present: Senators Ball (chairman), Capper, Gooding, Jones, and Sheppard.

Present also: Col. Winfield Jones, representing those favoring the bill providing for a Delegate in the House of Representatives; Mr. E. C. Brandenburg, representing those favoring the adoption of the Jones resolution, providing for a constitutional amendment; Mr. G. W. Ayers, representing those opposed to any form of suffrage in the District.

The CHAIRMAN. The committee will be in order.

There seems to be a misunderstanding as to the division of time. I made the statement that six hours would be allowed to each side in the discussion. I mean by that if you need that much time. If you do not need the six hours, I do not mean to say you have to by wandering speeches take up the time, because our time is valuable. However, we are perfectly willing to give you the six hours. That means those for suffrage in any form will have six hours; those against suffrage in any form will have six hours, if they need it. This does not mean that you can discuss any one bill for six hours, but draws the line at those favoring suffrage in some form, who will be given six hours, and those opposing suffrage in any form, who will be given six hours, if they find they require that much time.

I want to say further that I think it is possible for any one speaker to state clearly his position, and in such a manner that the committee in reading the record will get the argument very much more forcibly, if it is stated briefly. I believe in half an hour any person ought to be able to state his position. I understand at some of these hearings some of the speakers have spoken as long as five hours. I am not going to permit any one speaker to speak five hours. It is unfair to the other speakers who want to express their views. You will have ample time to say what you desire to say. Half an hour, or at least three-quarters of an hour, will give everybody ample time to express the reasons for or against a proposition of this kind, and to give all of their arguments, without going into flights of oratory, which we do not want here.

Mr. BRANDENBURG. Mr. Chairman, I would like to say that I appear in behalf of the joint citizens' committee, an organization composed of substantially all the civic bodies in the city of Washington. At the former hearing we understood that the advocates of the voteless Delegate were to present their side of the case. We have appeared to-day to present our side in opposition to that and to show why the Jones bill should be the bill reported by this committee. We, of course, will naturally take the affirmative for the Jones bill and take the negative so far as the other bills are concerned.

The CHAIRMAN. Still you are in favor of the amendment?

Mr. BRANDENBURG. We are in favor of the amendment.

The CHAIRMAN. Therefore you will come within the six hours allotted to those favoring suffrage, two hours of which were taken up at the former session.

Mr. BRANDENBURG. How many hours will we have to present our side? These gentlemen who are favoring the Delegate bill are in favor also of the Jones bill. It is more of necessity than choice that they are advocating the Delegate bill.

The CHAIRMAN. Of course, that is not for the committee to decide. You are granted six hours for suffrage.

I feel that if the civic organizations had gotten together and agreed on some definite plan and submitted that plan to the committee, representing some definite, concrete method of granting suffrage, it would have had more force with the committee; but since you can not agree, then you will have to divide your time among yourselves, so that each side may present its views properly.

Mr. BRANDENBURG. But we have agreed, sir. Even those who advocate suffrage are parties to a petition to Congress in favor of the Burroughs bill, which is identical with the Jones bill. I appear in behalf of the representative organizations of this city to support that.

The CHAIRMAN. Of course, the other side has the floor to-day. We had better let them proceed, and if we find they are not going to consume the two hours we can hear you.

Mr. BRANDENBURG. We would like to present our views in opposition to the Delegate bill.

The CHAIRMAN. To-day those who are opposed to suffrage at all will have the floor. That was my ruling the other day, and I must live up to it. Is there anybody here that wishes to speak in opposition to suffrage?

Mr. G. W. AYERS. Mr. Chairman, I would be perfectly willing, as representing the opposition, to allow them to use any part of my time up to an hour and a half or two hours. I will be generous with them.

The CHAIRMAN. I would not permit him to use two hours.

Mr. AYERS. Any part of the two hours they wish to use I am willing to allow them.

The CHAIRMAN. Are you the only speaker for the opposition?

Mr. AYERS. I have two others, who are not here now.

The CHAIRMAN. You are only allowed two hours. If you give him an hour and a half, you will only have 30 minutes to divide between you on your side.

Mr. AYERS. If we have another meeting, we will have several hours?

The CHAIRMAN. Yes; you will have another opportunity.

Mr. AYERS. All right, I will take it. I am willing to be generous and let them speak to-day.

The CHAIRMAN. Then you may proceed, Mr. Brandenburg.

Mr. BRANDENBURG. I think he should present the opposition, so we may reply. I think he should present the views of the opposition, and then we will reply to it.

The CHAIRMAN. He is granting you time at his disposal. He can do it now or at the end.

Mr. BRANDENBURG. We would prefer it to be at the end, so we can reply to it.

The CHAIRMAN. Do I understand you are representing the opposition to suffrage and that you want to speak first, or do you want to allow him to take an hour of your time now?

Mr. AYERS. We will allow him to take an hour of the time now.

The CHAIRMAN. All right; proceed.

Mr. WILLIAM MCK. CLAYTON. Mr. Chairman, before Mr. Brandenburg proceeds I should like very much to present a matter at this time. I will confine myself to five minutes. I have a short manuscript here that I think should go into this record before Mr. Brandenburg proceeds. It relates to a point which has not yet been brought before the committee. It is for suffrage and I think some argument might be based upon it later. I will promise to be very, very brief. I think it might clarify some of the argument that will come after this.

The CHAIRMAN. We have limited the time allowed for each side. You are for suffrage?

Mr. CLAYTON. Yes, sir.

The CHAIRMAN. It is not right that those who are for suffrage should take half an hour out of these two hours. They have already granted a man who is for suffrage an hour of this time. You must get his consent for that, not mine.

Mr. CLAYTON. I spoke to Mr. Brandenburg about this. Do I understand those in favor of the delegate proposition will have further time?

The CHAIRMAN. You still have four hours.

Mr. CLAYTON. I will yield whatever is necessary of my time later on. I really feel this is a question that has not been touched upon at all. I want Mr. Brandenburg to hear it. I think it should be put in the record here.

Mr. BRANDENBURG. We have no objection. We don't control the time.

The CHAIRMAN. You control that hour that has been granted you.

Mr. BRANDENBURG. Then I want to preserve the hour.

The CHAIRMAN. You can not do that and grant him part of the time.

Mr. BRANDENBURG. I am very sorry that I can not comply with Mr. Clayton's request.

STATEMENT OF E. C. BRANDENBURG, ESQ.

Mr. BRANDENBURG. Mr. Chairman, I appear here in the first instance before the committee as a representative of the citizens' joint committee on national representation for the District of Columbia. This committee is composed of a number of organizations, comprising, perhaps I might safely state, the entire District of Columbia. We are united in support of the Jones bill. We differ simply on the question of the delegate. The advocates of the Poindexter bill and the Capper bill, as I said a moment ago, do so merely because of necessity rather than because of choice. They are with us.

The CHAIRMAN. You should draw a distinction between the Jones bill, on the one hand, and the Poindexter bill and Capper bill on the other. The Capper bill gives you local administration, changes your whole method of administration of the District, while the others do not.

Mr. BRANDENBURG. I am aware of that fact, sir.

Now, this joint citizens' committee is composed of delegates from the Washington Board of Trade, with a membership of more than 2,300; from the Chamber of Commerce, with a membership of more than 1,100; from the Federation of Citizens' Associations, which comprises some 38 sectional citizens' organizations, each sending their delegate to the main meeting. It also represents the Central Labor Union, and they represent 90 local unions and 7 local auxiliaries, with an aggregate membership of considerably more than 50,000. It also represents the Merchants and Manufacturers' Association, the Monday Evening Club, the Bar Association, the Women's Bar Association, the suffrage group of the City Club, the Association of Oldest Inhabitants, the District Delegate Association, and a number of other organizations.

Now, inasmuch as this organization is composed of representatives of all these great bodies of organizations, naturally there is some difference of opinion as to the methods of securing suffrage. We are all united, even the gentlemen who presented the argument here the other day, on the proposition that taxation without representation should not exist anywhere under the flag of the United States. We are united upon it. It is simply a question of procedure. The gentlemen who appear here in behalf of the Delegate feel that it may be some time before Congress will grant us the privileges set forth in the Jones bill.

Now, that being so, the joint citizens' committee when we come before you can not say that we are united as against the Delegate bill, or in favor of the Delegate bill; but we do present in the memorandum which I shall file with the committee the views of that joint organization, setting forth the fact that we believe that the election of a voteless Delegate would simply postpone indefinitely consideration of the constitutional amendment which is set forth in the Jones bill. I shall not take time to read this memorandum, but will ask that it be incorporated in the record as a part of my remarks. This is signed by representatives from nearly all the organizations.

The CHAIRMAN. That may be inserted in the record.

(The document referred to is here printed in full, as follows:)

MEMORANDUM ON BEHALF OF CITIZENS JOINT COMMITTEE ON NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA ON SENATE BILLS NOS. 14 AND 417 OF THE SIXTY-SEVENTH CONGRESS, FIRST SESSION.

To the Congress of the United States:

This memorandum has been prepared and is submitted pursuant to a resolution adopted October 27, 1921, by the directing and brief committees of the citizens' joint committee on national representation, which resolution, in so far as it is here material, is as follows:

Resolved, That the brief committee be requested to follow attentively the Senate district committee hearings on the bills proposing a voteless territorial delegate for the District; and be empowered in its discretion to supplement these hearings by a statement to the Senate district committee in the form of

a petition or otherwise of the relation between the Territorial Delegate project and our constitutional amendment empowering Congress to grant to District residents voting representation in Congress and the Electoral College and of the inadequacy of the former as a substitute for the latter."

The reasons leading to this action are these:

The citizens' joint committee is composed of delegate representatives of practically all of the civic organizations of the District of Columbia. A list of these powerful and numerous constituent organizations is appended to this memorandum. The committee is organized for one specific purpose, and that is to secure, for the residents of the District, representation in Congress and in the Electoral College, and access to the Federal courts. The proposal which the committee is united in advocating was embodied in House Joint resolution 11 of the Sixty-sixth Congress, proposing an amendment to the Constitution, upon which hearings were had before the House Judiciary Committee January 11-15, 1921, and in the prints of those hearings will be found a full statement of the committee's contentions. The committee therefore has no mandate from its constituent organizations to advocate other measures or to oppose them unless such other measures threaten to defeat or postpone indefinitely the measure which they unite in advocating.

The pending bills above mentioned include one feature which might be confounded with the "national representation" which the joint committee is advocating. We refer to the provision made in both pending bills for the election by the inhabitants of the District of a voteless Delegate to the House of Representatives.

Some members of the joint committee and of the constituent organizations believe that no secure a Territorial Delegate from the District of Columbia would be a helpful preliminary to national representation. They point out that States which now have national representation passed through a preliminary stage in which they had a Territorial Delegate.

Others of the joint committee and of the constituent organizations believe, on the contrary, that the Territorial Delegate project delays and tends to defeat full national representation as proposed by the constitutional amendment which we advocate. They point out that Congress is not likely to pass immediately or in the near future more than one measure looking toward "suffrage" in the District, and they urge that many of our congressional legislators are inclined to view the voteless-delegate proposal and the proposal for representation in Congress and in the Electoral College as essentially alternative proposals, and with them to adopt the former would be to reject or at least to delay the latter.

If it is true the two proposals are to be considered by Congress as alternative, then the difference between the proposal of the pending bills and what would be secured by the proposed constitutional amendment should be noticed. Some are so obvious as to make complete enumeration unnecessary. We mention, however, the following:

(1) The pending bills give the people of the District of Columbia no atom of power in the two vitally important functions of government, viz, the levying of taxes and the appropriation of public funds, either with respect to local taxes and local appropriations, or with respect to national taxes and national appropriations; nor in the making of laws, excepting with respect to such municipal regulations as are within the power of the municipal administrative boards to be elected as proposed by one of the bills.

(2) They give the people of the District of Columbia no voice in the election of the Chief Executive.

(3) They give to the people of the District not even a voteless voice in the Senate, and hence none in the special functions of that branch of Congress.

(4) They give the people of the District of Columbia no power in the selection of the members of their judiciary, which power is to be exercised under our proposal through participation in the selection of the President and the Senate.

(5) Obviously the Territorial Delegate project does not deal at all with the need of access for residents of the District to Federal courts.

The proposals are also essentially dissimilar from the Territorial legislation with which they are usually compared in that no Territorial legislature, not even one with the scanty powers of the legislature of 1871-1874, is proposed. The proposals not only do not contemplate the further step which has followed

the grant of Territorial representation in continental United States, viz, the ultimate grant of full statehood, but such a further step would, in the opinion of this committee, be impossible without an amendment to the Constitution, more difficult to secure because open to more objections than the more limited amendment which this committee advocates.

If favorable consideration is to be given the Territorial Delegate proposal as a step toward a later grant of voting representation, then this committee earnestly urges that such a conclusion logically and inevitably requires immediate favorable action by Congress upon the proposed constitutional amendment. For the postponement of voting representation after Territorial status is accorded is only justifiable and has occurred in the case of other Territories only on the ground of the smallness or lack of qualification of the population of the Territory or its unreadiness from other causes for voting representation in Congress. No such condition exists with regard to the District. If we are entitled to a Delegate, we are entitled to voting representation, and no reason exists against the latter any more than against the former. The only impediment to national representation is the constitutional difficulty, and every argument for a delegate is an argument for removing this constitutional defect.

On the other hand, considered as a step toward full voting representation, the Delegate proposals of the pending bills involve a possibility of injury to our proposal, which is one of the considerations leading many of our constituent members to oppose flatly the Delegate proposal.

It is that both bills provide in section 3, and it seems that any similar bill must necessarily provide, that no person shall vote in the District of Columbia who claims the right to vote or claims residence elsewhere. The exceptional fact concerning the inhabitants of the District of Columbia is that so many of them claim residence in States. Their continued claim is to be expected, not only to preserve their status with respect to employment by the Government (which difficulty could be removed by simple legislation), but also in order to preserve their share of control through the ballot of the affairs of the Nation. It is not to be expected that such citizens would surrender the right to elect voting Members of the Senate and House and the right to participate in the election of the President for the privilege of electing a voteless Delegate or even the privilege of electing the municipal administrators of the District of Columbia affairs (the commissioners, the board of education, etc., who have no real legislative power). If, therefore, the proposals of the pending bills are adopted, the voting constituency of the District of Columbia will not be of the strength that would be developed if representatives in Congress and in the Electoral College were to be elected, as proposed to be secured through legislation authorized by the constitutional amendment which we advocate.

Those who believe that the election here of a Territorial Delegate would retard the adoption of our constitutional amendment point to this difference in the probable voting constituency of the District of Columbia upon an election for a Delegate on the one hand and upon an election such as would be held under the proposed constitutional amendment on the other, saying that the holding of the election for delegate would furnish misleading information as to the number and quality of the qualified voters in the District of Columbia, which could be used by opponents of full national representation here to oppose the enactment of such an amendment to the Constitution.

There are obviously other considerations so well known to the Congress that we do not venture to restate them which make it impossible that the people of the District of Columbia should accept the grant of a voteless Delegate as a satisfaction in full of their claim for participation in the National Government.

On the whole, therefore, the joint committee on national representation makes this record of the fact that neither the pending bills nor any amendments to them within the existing power of Congress, nor any bill excepting one proposing the constitutional amendment, would be acceptable to the people of the District of Columbia in satisfaction of their respectful demand for representation in both Houses of Congress and participation in the election of the President, according to population, and access to the Federal courts.

No other proposal than the proposal which we advocate has received indorsement from the civic organizations of the District of Columbia (their only present means of making their wishes known) with practical unanimity.

We therefore urge that whatever disposition is made of the pending bills, they may be not allowed to divert attention from nor to postpone the consideration of and action upon the proposal to amend the Constitution embodied in the House joint resolution 6 and in Senate joint resolution 133 of this Congress.

Respectfully submitted.

EDWIN C. BRANDENBURG, *Chairman*,
 A. S. WORTHINGTON,
 HENRY H. GLASSIE,
 CHAPIN BROWN,
 E. F. COLLADAY,
 A. LEFTWICH SINCLAIR,
 JOHN B. LARNER,
 JAMES T. LLOYD,
 WM. MCK. CLAYTON,
 PAUL E. LESH,
 FRANK J. HOGAN,
 THEODORE W. NOYES, *ex officio*,
Committee on Brief.

LIST OF CONSTITUENT ORGANIZATIONS REPRESENTED IN THE CITIZENS' JOINT COMMITTEE ON NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA.

The organizations represented in the citizens' joint committee on national representation for the District of Columbia are as follows:

Board of Trade (2,100 members).

Chamber of Commerce (1,100 members).

Federation of Citizens' Associations, representing 38 sectional citizens' associations, as follows: Anacostia, Benning, Brightwood, Brookland, Cathedral Heights, Central, Chevy Chase, Chillum Castle-Woodburn, Cleveland Park School Community, Columbia Heights, Conduit Road, Connecticut Avenue, Congress Heights, Georgetown, Kalorama, Kenilworth, Lincoln Park, Mid-City, Mount Pleasant, North Capitol and Eckington, North Washington, Northwest Suburban, Park View, Petworth, Piney Branch, Rhode Island Avenue Suburban, Randle Highlands, Sixteenth Street Highlands, Sixteenth Street Heights, South Washington, Southeast, Stanton Park, Takoma Park, Trinidad, West End, Washington Civic Association, Washington Society of Fine Arts, American Institute of Fine Arts, Arts Club of Washington, District of Columbia Society of Architects, Society of Nations. These associations cover nearly the entire District, with an aggregate membership (estimated) of 20,000. Many of these sectional associations have, in addition to participation through the federation, separately indorsed District national representation through constitutional amendment and have appointed cooperating campaign committees.

Central Labor Union, representing 90 local unions and 7 local auxiliaries, with aggregate membership (estimated) of 85,000.

Merchants' and Manufacturers' Association.

Monday Evening Club.

Bar Association.

The suffrage group of the City Club.

Association of Oldest Inhabitants.

District Delegate Association.

Citizens' associations not represented in the federation, including East Washington, Northeast Washington, and Southwest Citizens' Associations.

Washington Real Estate Board of the District of Columbia.

Advertising Club of Washington.

Woman's Bar Association.

Manual Training Teachers' Association.

Twentieth Century Club.

COOPERATING ORGANIZATIONS.

The American Federation of Labor.

The Woman's City Club.

Federation of Women's Clubs.

The local branch of the National American Woman's Suffrage Association.

The Anthony League.

Washingtgon section of the Progressive Education Association.

District of Columbia Congress of Mothers' and Parent and Teachers' Association.

The Men's Club of Mount Pleasant Congregational Church.

The CHAIRMAN. Permit me to ask you a few questions, that we may get distinctly in our minds the position that these various organizations take.

Mr. BRANDENBURG. I will be very glad to answer them.

The CHAIRMAN. You say they are in favor of all these bills?

Mr. BRANDENBURG. No, sir.

The CHAIRMAN. But they object to the Poindexter bill because they fear it will postpone action on the other, instead of leading up to it?

Mr. BRANDENBURG. That is one of them. They are all united on the Jones bill, which is identical with the Burroughs bill, that we desire a constitutional amendment.

The CHAIRMAN. Are they opposed to the Capper bill? You must remember that differs from either of the others. The Jones bill and the Poindexter bill both leave the control of the District of Columbia in the hands of Congress. The Capper bill takes local control of the District of Columbia out of the hands of Congress and places it in the hands of commissioners elected directly by the people.

Mr. BRANDENBURG. I shall approach that subject in a moment.

The CHAIRMAN. I would like you to make yourself clear on that point.

Mr. BRANDENBURG. The organization has not taken a position on the question of local self-government; that is, the joint citizens' committee has taken no stand upon that matter. They are united, however, in response to the suggestion, made a moment ago by yourself, in support of the Jones bill, namely, the right of absolute franchise.

The CHAIRMAN. When you say "absolute franchise," it is rather misleading. Absolute franchise means the right to vote for every officer who has to do with the District of Columbia.

Mr. BRANDENBURG. No; we do not take that position.

The CHAIRMAN. Then you should not say "absolute franchise."

Mr. BRANDENBURG. Very good. That was inadvertent and probably going a little too far. What I mean is just set forth in the Jones bill, namely, the right to vote for electors for President and Vice President, to have representation in the Senate and in the House of Representatives, and that the citizens of the District of Columbia when it comes to going into the United States court be treated the same as the citizens of any State. This joint citizens' committee has not taken any position with reference to the question of local self-government, but are united, as I have said, on the provisions of the Jones bill.

The CHAIRMAN. I am glad you make that distinction clear, because there is a wide distinction.

Mr. BRANDENBURG. There is, and we do not agree on that proposition.

Now, then, I also appear here as the representative and former president of the Washington Board of Trade, an organization composed of more than 2,300 of the business, professional, and representative citizens of the District of Columbia. This organization has time and again taken the position that they are opposed to local self-government. We are opposed to local self-government because under the Constitution the exclusive right to jurisdiction over the District of Columbia, we think, should be where it is to-day, namely, with the Federal Government. We do not for a moment believe that conditions can be improved through the election of a board of commissioners nor do we believe that conditions can be improved through the election of a city council.

"And why do I say that? I say it for this reason: That a local city government would be one in name only if granted in accordance with the bill which is before this committee. That is true for this reason: That no local city government can exist except there be also with it the power of taxation—of levying taxes and providing for their distribution—and I say that Congress never will, so long as this country exists, give the citizens of the District of Columbia the right to levy taxes upon the property in the District of Columbia.

The CHAIRMAN. You say it never will. Do you think it should?

Mr. BRANDENBURG. No; I say it never should.

The CHAIRMAN. I think that should be made clear.

Mr. BRANDENBURG. Yes. They never should surrender that right. I don't think the conditions which prevailed in Philadelphia and which caused the Gov-

ernment to come to the city of Washington should play any part in this matter. The days when the military can walk up to the halls of a legislature and stay the proceedings have long since passed. That can not occur in the District of Columbia. So, I say, that if you provide for local city government, as provided in one of these bills, you do an idle thing. How long would that satisfy even the advocates of that provision? Not very long, for the reason that there would still rankle in their hearts the old feeling against taxation without representation. It was inherent in the American colonists, and it has come down through the course of time, and it still exists with the people in the city of Washington.

Now, a voteless Delegate in the House of Representatives and also in the Senate, if you please, would be an idle ceremony. What good would it be to give us the right to have a Delegate who can only talk? As I have had occasion to say once before, it would be about as useless as the appendix in the human anatomy. It would be like shooting one of our 12-inch guns with a blank cartridge.

The CHAIRMAN. And might cause just as much damage at that causes sometimes.

Mr. BRANDENBURG. And might cause just as much damage as that would cause, I would say.

Now, the real facts—and we might as well look them right in the face—underlying this request for a change in the local form of government is the fact that the people are dissatisfied because they have no say in this question of taxation and how those taxes shall be disbursed. That is the underlying fact, and you can talk as much as you please and it will never change.

The CHAIRMAN. Do you think they have no say?

Mr. BRANDENBURG. No; we have absolutely no say; but if you give us the provisions of the Jones bill then we have a voice, because our representatives will be in Congress and can vote on the question of the levying of taxes and of their distribution.

And what is more, Mr. Chairman, let me call your attention to this fact: That if we are given the right to vote for President and Vice President we do have a say in the appointment of the Commissioners of the District of Columbia. There is no doubt about it.

So that I say that this is a different privilege which is attempted to be set forth in the Poindexter bill and in the Capper bill.

I have here a resolution which was passed a few days ago by the directors of the Washington Board of Trade, which sets forth their views, and I shall read it into the record:

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE WASHINGTON BOARD OF TRADE, NOVEMBER 7, 1921.

Whereas the Washington Board of Trade, on April 24, 1916, unanimously approved amendment of the Constitution to provide voting representation for residents of the District in both Houses of Congress and in the Electoral College, and directed its officers and appropriate committees to work to secure the adoption of this constitutional amendment, which is now pending in Congress and under consideration by the House Judiciary Committee:

Whereas the mandate to fight for adoption of the constitutional amendment includes authority to oppose any other legislative proposition which defeats or threatens to defeat that in support of which we are thus united;

Whereas bills now before the Senate District Committee propose for the District a voteless Delegate or Delegates in the House, a small and negligible fraction of a Territory's powers and privileges, conveying to the people of the Capital no atom of legislative participation in their government or of a genuine national representation.

Resolved, That the directors of the board of trade record their conviction that the grant to the District of a voteless Territorial Delegate in advance of our constitutional amendment would indefinitely postpone and tend to defeat the securing of genuine national representation. Adoption of the Territorial Delegate project would, in the opinion of the directors, expose the District to the risk that many legislators will treat it as substitute or alternative legislation along the line of national representation and as satisfaction in full of the District's claim to real national representation and will use assent to it as a reason for shelving or rejecting genuine voting national representation through constitutional amendment, or will treat this grant of something almost worthless as

a pretext for shirking or repudiating legislative responsibility in respect to the Capital; and that as a natural result of this procedure the constitutional amendment would be pushed aside and a voteless Delegate in one House would become the permanent substitute for adequate voting representation in both Houses.

Resolved, That the directors of the board of trade record the opinion that the duty of the board's officers and appropriate committees to fight for adoption of the constitutional amendment includes authority to oppose the voteless Delegate projects which thus threatens to defeat or postpone indefinitely the real national representation through constitutional amendment which we seek.

I want to say, furthermore, may it please the committee, that the distinguished gentleman the other day referred to and quoted from a number of Presidents on this question of franchise and Delegate. I don't think there is a question of doubt that they realized the impotent and helpless condition of the citizens of the District, and simply because we at that time had not reached the stage in population, in other requisites, to entitle us to full representation in Congress, that that is the reason why these various Presidents have advocated a Delegate in Congress. The situation has changed. We have now advanced, and during the time you will give us to present our views on the Jones bill we shall present the reasons and show you that we have passed from the state of a Delegate and that we have reached the stage which justifies giving us the right which is guaranteed to every citizen of the United States. In other words, we want to be removed from the state of the criminal, the alien, and the mentally incompetent, in which we now stand so far as our rights before the Federal Government are concerned.

I shall call upon Mr. Lesh, who also represents the citizens' joint committee and represents the City Club, an organization, who desires to say something in opposition to the Delegate bill.

Mr. JAMES T. LLOYD. Mr. Chairman, may I interrupt a moment? I wish to be heard on the part of the joint citizens' committee as a representative of the chamber of commerce in favor of the Jones bill. It will take me about 30 minutes to present my views, and I do not know that I can attend the next session. I would therefore be very much pleased if I could go on this afternoon.

The CHAIRMAN. It will be agreeable to me if you gentlemen can divide the time between yourselves.

Mr. LESH. Mr. Chairman, I know Mr. Lloyd's engagements, and so far as I am personally concerned it is agreeable to me; but the City Club does wish to be heard in favor of the Jones bill and in opposition to the Capper and Poindexter bills before these hearings are concluded.

The CHAIRMAN. You will have four hours after to-day for those favoring suffrage. You are granted an hour to-day by the opposition, but only an hour. It is now 2.30, so you only have half an hour more.

Mr. LESH. If I have any right by reason of the fact that I am at present on my feet, I wish to say that I hope the committee will consider the City Club the next order of business when we come to the affirmative side of the case again.

STATEMENT OF JAMES T. LLOYD, ESQ.

Mr. LLOYD. Mr. Chairman, I think you understand whom I represent. I will endeavor to be as brief as possible.

At the former hearing you properly asked the question whether the people here are satisfied with the present system of District government. I think I can safely answer that question in the affirmative. The people believe that Washington is one of the best-governed cities in the United States. Its officers are honest and have the best interests of the people at heart. The dissatisfaction in Washington is not on account of its local government, but because of the fact that the people are not represented in that government and have no voice in its councils. With one accord they come to you now, asking that they may have the right to vote for presidential electors and for representatives in both branches of Congress. They wish to be recognized as citizens, with the rights that are attached to citizenship. The President appoints their commissioners. They wish to vote for the officer that names these commissioners. Congress is their legislative body. They wish the right to have representatives in that Congress.

In these urgent requests they are all agreed and among them there are no dissenting views. Those who indorse the Poindexter bill do so, in most in-

stances, because they believe it is the first step toward representation in Congress and in the electoral college and because they believe Congress will do nothing more for them. Those who advocate local self-government and support the Capper bill are equally anxious to secure the representation asked in the Jones bill. You have observed, I am sure, in the statements which have been made in favor of the Poindexter bill that none of them opposed the Jones bill. The people are seriously divided on the advisability of the passage of the Poindexter bill; but few advocate the passage of the Capper bill; but all, of every class and condition of our people, favor the Jones bill. If you give Washington what it wants, what it insists upon, what it believes in common justice it ought to receive, you will favorably consider the Jones bill.

You may inquire why the people wish representation. It is because of that inherent feeling in all Americans, that they should have a voice in government. As you know, I am somewhat familiar with the viewpoint of the Congressman, but I have learned, as a resident of Washington, the humiliation of its people in being totally disfranchised. Those who enjoy citizenship, with voice in the affairs of the Government, do not realize the mortification that comes to Washingtonians in being deprived of their rights. Before you is a forceful example of it. John Joy Edson, whom you all know, who is past 75 years of age, has never had the right to vote for President or Congressman. No more patriotic man can be found. He fought in the Civil War in defense of the flag; he contributed of his money and time during the World War; he has lived an unblemished life. I have talked with him and know the anguish of his soul in having no voice directly or indirectly in the affairs of the Government. He has shown his willingness to give his life, if need be, for his country, and yet, because he lives in the District of Columbia, he is deprived of that priceless boon, the right of participation in governmental affairs. Why should he not vote for presidential electors? Why should he not vote for Representatives in Congress? No satisfactory answer can be given for his being deprived of these privileges.

The people do not demand the granting of these privileges simply because other people have them, but because, in the light of present-day conditions it is the right which, as American citizens, they should be permitted to enjoy.

Would anyone take from the splendid State of Delaware, rich in achievement in the councils of the Nation as it has been, any of its representation in Congress? This remarkable little State, small in area and population, the home of the chairman of this committee and the birthplace of my father, has a history in the galaxy of States that much larger States might covet, and yet to-day it has not half the population of the District of Columbia and has a citizenship no more intelligent, no more loyal to the Government and no more moral and lawabiding than the residents of the District.

It is said that this District was dedicated as the seat of Government and placed under the control of Congress. The people here are pleased that it was, and no one would change such seat of Government, nor prevent the control of Congress. What these people ask is that the District shall remain under the control of Congress and shall have the same representation in Congress as a State.

The President, by appointment, and the Senate, by confirmation, control the executive and judicial branches of the District government. Why should not the people here have a voice in the selection of that President and in the body which confirms the appointments of its chief officers?

I know how jealous the Senate is of its power; I know with what caution it has considered the various applications for statehood in the past, but the people here are not asking statehood; they do not want it; they are only asking representation in the Congress and the right to vote for presidential electors.

If the Jones resolution is adopted and the proposed constitutional amendment ratified, Congress and the Executive will yet have complete control of the District, but the people will enjoy that privilege which they crave; that right which every American covets; they will then enjoy that right which our revolutionary fathers demanded from England—the right of representation. They will have that for which the revolutionary fathers fought.

The people come to you in no spirit of antagonism. They come with loyal hearts, asking for that to which all free people are entitled, in the confident belief that if the Congress will only seriously consider their plea on its merits there can be only one response, and that is that the people of the District shall be given the rights which free men enjoy in all republics—the right of representation.

Senator JONES. Mr. Lloyd, it might be well to call attention to the fact that they would not have that right, by virtue of the passage of this resolution. Congress would still have to give it to them, but Congress would have the right to do it.

Mr. LLOYD. I supposed you understood that.

Senator JONES. We do, but I thought while you and Mr. Brandenburg were talking that people reading what you say would conclude that necessarily gives that right.

Mr. BRANDENBURG. I did not discuss that, because the chairman held me to the opposition of these two bills. I expected to discuss that.

Mr. LLOYD. The Declaration of Independence asserted as a self-evident truth, that all governments derive their just powers from the consent of the governed. The people here, in all seriousness, ask what powers have been granted to the government by the consent of the governed in the District of Columbia. It is ruled absolutely by the will of Congress, and yet the more than 435,000 people here have not, nor can not, give any consent to such government.

It has been argued that the population is composed largely of employees of the Government, and as these come from the States they have residence and citizenship elsewhere. This statement is erroneous. There are in the employ of the Government about 85,000 people. At least one-half of these have lost their residence in the States. It is safe to say there are 380,000 bona fide residents of the District of Columbia. Of this number at least 150,000 are of voting age and have not the right of suffrage anywhere. It is for these 150,000 voters that the various organizations in the District speak and for them they make this urgent demand.

Senator SHEPPARD. When you say there are 85,000 people here who are employed by the Government, do you mean that your figures include the families?

Mr. LLOYD. No. There are some of them who have families, but a majority of those in the District who have residences elsewhere are persons who are living alone, who are single. Those persons living here who are employed by the Government and have families, as a rule, have lost their residence elsewhere.

The CHAIRMAN. You say there are 150,000 voters?

Mr. LLOYD. That includes men and women, of course.

The CHAIRMAN. What is the population of the District at this time?

Mr. LLOYD. It is a little over 435,000.

The CHAIRMAN. Do you not think there are at least 100,000 of those who claim their residence in other States?

Mr. LLOYD. No; I think not. Of the 85,000 employed by the Government it is safe to say that half of them have lost their voting residence elsewhere.

The CHAIRMAN. The 85,000 employed by the Government are not the only ones who are counted in this District as residing in other States. You will find of the 85,000 probably half who have families. There will be two or three in each family that have a vote in other States.

Mr. LLOYD. I think I have stated the fact correctly, sir, that a decided majority of those in the employ of the Government are single. I am quite sure, from my knowledge of it, that I would be safe in saying that two-thirds of those employed by the Government are single, and that only one-third of them have families dependent upon them.

The CHAIRMAN. Of course, it is immaterial, because the force of the argument is the same, but I think you are mistaken in those figures. To-day there are many States that permit voting by mail, and I was very much surprised during the last Presidential election to find such a large percentage from the States of Iowa, New York, and such States as permit voting by mail, that did vote, and the whole families voted. I think your statement of the number of people voting in the various States is entirely too low.

Mr. LLOYD. That may be true, that I may be wrong. I am bound to make an estimate. There is no way of stating it accurately.

The CHAIRMAN. The thing that called it specially to my attention was the fact that you said you had double the voting population of the State of Delaware.

Mr. LLOYD. Again referring to the State of Delaware, of which I am personally especially proud, the record shows that at the last election, in November, 1920, there were 92,755 votes cast for President. There can be no question that there would be more votes cast here in an election for President than in any of the States of Arizona, Delaware, Idaho, Nevada, New Mexico, South Dakota, Utah, Vermont, or Wyoming.

The only serious objection urged to the Jones resolution, so far as I know, is the character of the citizenship here. There can be no question of the intelligence of our voters.

Literacy is considered by many as one of the best tests of ability to cast an intelligent ballot. The census shows that only 4.9 per cent of the males in the District of Columbia above 21 years of age are unable to read and write. This is a lower per cent than any of the States north of us.

Maryland has 8.5 per cent illiteracy; Delaware 10.1 per cent; Pennsylvania, 7.8 per cent; New Jersey, 6.6 per cent; New York, 6 per cent; Connecticut, 6.8 per cent; Rhode Island, 8.8 per cent; Massachusetts, 6.1 per cent; New Hampshire, 6.2 per cent; Vermont, 5.3 per cent; and Maine, 5.5 per cent.

In fact, out of the 48 States, 30 have a greater per cent of illiteracy in its voting population than in the District of Columbia, while 8 of the remaining States have less than three-fourths of 1 per cent less illiteracy than in the District. The remaining States which have less than 4 per cent of illiteracy are Idaho, Iowa, Kansas, Minnesota, Nebraska, North Dakota, Oregon, South Dakota, Utah, and Washington.

Senator JONES. In these last figures do you include men and women?

Mr. LLOYD. No; those figures represent only men. I did not have before me at the time the figures as to women.

In the United States the average of illiteracy is 8.4 per cent, which is nearly double the illiteracy in the District.

These statistics will be surprising to the man who has not inquired into the situation, for there seems to be a general impression that the percentage of illiteracy in the District of Columbia is very great.

There are those who claim that the best means of determining the capabilities of citizenship is in the frugality of its people and in the number of its paupers. In the District of Columbia the number of paupers in its almshouses is 83.4 per population of 100,000. Every State north of the District, including Maine, has a greater percentage of paupers than is found in the District, and this is true of nearly half of the States of the Union.

As to the frugality and business success of our people, it would be interesting to note that in the year 1919 and the first half of 1920 there were 9,803 business failures, and out of this number only 14 were in the District of Columbia. It has approximately one three-hundredth part of the population of the United States and only one seven-hundredth part of the number of failures.

The assessed value of the property in the District of Columbia is about \$1,300 per capita, while that in the United States is only about \$750 per capita, showing that the wealth upon which taxes are paid is nearly twice as great in the District as in the States.

Considering the District from the standpoint of its illiteracy, its frugality, its accumulated wealth, or its prosperity in business, it stands far above the average in the States. In fact, from any standpoint the District may be considered, its ability to cast an intelligent ballot is equal to that of any of the States of the Union, and it is a serious and unjustifiable reflection on its intelligence, its business ability, and its patriotism to say that it can not be trusted to vote for Representatives in Congress or for presidential electors.

If the qualifications for voters in the District are to be viewed from the standpoint of morals, it is worthy to note that in church affiliation, attendance at their services, support of their institutions, it is not equaled by any city of 200,000 population in the United States.

Its schools, both public and private, are not surpassed. The laws here are better enforced than in most of the States, and from any moral comparison with the States the District will not be at a disadvantage.

The patriotism and loyalty of our people can not be questioned. This has been exhibited in the past whenever opportunity has been presented; in the War between the States, in the Spanish-American War, and in the World War. It is only necessary to remind you of its part in the last Great War. You saw it demonstrated on every hand. It had more volunteers in 1917 in proportion to population than almost any State. It furnished more than its quota under the draft. Many of our homes are made sorrowful because of the supreme sacrifice of those who did not come back from overseas. We have some unknown dead. No braver soldiers were found on the fields of France than the boys from the District of Columbia.

The people here paid more than their share in every Liberty loan drive that was made and supported liberally every enterprise helpful in winning the war.

The people are native-born Americans. They speak the English language, and they are in complete sympathy with American ideals. Then, why fear their ability in the matter of their representation? There can be no well-founded reason to doubt the intelligent use of their ballot. It is safe to say that representatives that may be chosen here will be equal in intelligence, in morals, and in patriotic devotion to the Government of those from the States.

The people of the District beg your committee to favorably report the Jones resolution. They urge the Congress to pass it; that the loyal, liberty-loving Americans living in the District may have submitted to the various States of the Union the proposed amendment which, if adopted, will give the people here not Statehood, but representation in Congress and the right to have a voice in the selection of the President of the United States.

These people have more interest in the President than any others, because the President has more direct relation to them than to the people of the States for the reason that there is no State Government. They are more interested in Congress than any other people because it is their only law-making body. To-day these people, out of the 531 Members of Congress in both branches, have no one of whom it may be said he is their Congressman or Senator.

These people urge you to give them an opportunity to say that they have representatives in both branches of Congress who are answerable to them and who may be held responsible by them. They ask an American birthright; they wish freedom in fact, a voice in the councils of the Nation. They urge, as a matter of justice, the right of representation, and they crave the privilege of giving consent to the Government that their powers of citizenship may be exercised. They have shown their loyalty in war and in peace, and they pray for that recognition which would give them partnership in the affairs of the Republic. They desire to be more useful to the Government. They believe the Jones bill, if adopted and made a part of the Constitution, would enable them to do so. They wish to teach their children that they are the citizens of the best Government amongst men and to encourage them to actively participate in its affairs. They wish them to love the flag of our country and to know that it means the same to them as it does to your children. They do not come to you in a complaining mood. They have no grievance, but they want to possess the God-giving rights for which the fathers fought and for which the people here and their posterity will ever strive to maintain, whether in times of peace or when the clouds of war shall gather.

The CHAIRMAN. Mr. Lloyd, without committing the chairman or any member of the committee to any of the propositions, I wish to congratulate you upon your presentation of your views. It is the kind of presentation that the committee desires. You have given your reasons clearly and concisely set forth.

Mr. LLOYD. Thank you, sir.

The CHAIRMAN. The hour has expired, within five minutes.

Mr. BRANDENBURG. We will reserve that. There is no use in starting if we only have five minutes.

The CHAIRMAN. Who is here now representing those opposed to any form of suffrage?

STATEMENT OF G. W. AYERS.

Mr. AYERS. Mr. Chairman and gentlemen, these papers may look a little formidable, but I hope they are not too long. The other side has had three hours to present their views. Over in the House they had about 9 to 1. It looks like it may be necessary for me to make the most of this presentation. It has been my experience, in politics in particular, that men who are after something will organize and go after it, but those who are merely negatively opposed, until a crisis arises, rarely come out and take an active part in opposing anything. I think that is true in regard to a great many things.

Now, I do not think I can make a good speech, as good a speech as Mr. Lloyd made, and I am consuming my own time in this with no pay for it in any way. I am representing no organized body.

Mr. LLOYD. Mr. Chairman, we do not want it understood that any of us around this table are paid for the services we render. We are here as a patriotic duty, everyone of us, and there is no suggestion, and no one dares to suggest, that any of us receive a cent for those services.

Mr. AYERS. I had not implied that, and I beg your pardon if you so understood me.

Mr. LLOYD. I was afraid you would be misunderstood.

The CHAIRMAN. Are you a resident of Washington?

Mr. AYERS. I am a Hoosier from Indiana. I have been living here three years; was here six years around 1900; was here in 1892.

Senator JONES. Are you coming here in an individual capacity or representing any body or organization.

Mr. AYERS. Not an organized organization definitely after anything, but representing quite a few men, many of them members of the chamber of commerce, board of trade, City Club, Kiwanis Club, Elks Club, and Federation of Citizens' Associations, of which I have had the honor recently to become a member.

Senator JONES. You have no authority here to represent them?

Mr. AYERS. I have authority to represent those individuals, and several others should be here, but I do not see them.

Senator GOODING. As organizations or as individuals?

Mr. AYERS. As individuals. Let us get that clear.

The CHAIRMAN. You have a perfect right to come here and present your views, because this is a national matter. You have that right whether you are a citizen of the District of Columbia or not.

Mr. AYERS. I thought so, Mr. Chairman.

The CHAIRMAN. It is a matter that involves the whole Nation, and that every State in the Union must act upon if you adopt the constitutional amendment. Congress can not pass the Jones bill to become effective until three-fourths of the States act favorably upon it; therefore this is a national matter, and no matter where you come from or who you represent you have a right to come here and express your views.

Senator JONES. I agree absolutely with the chairman. What I wanted to get at was whether he was representing some one or coming in an individual capacity.

Mr. AYERS. I am here as an individual, simply because, as I stated a few moments ago, it is difficult to get those to come out and take an active part in a matter who are merely negative in their attitude.

Now, I want to say, so there will be no prejudice, no misunderstanding, that it should be understood that I was born north of Mason and Dixon's line; that my father fought four years and a half in the Civil War, and did not ask for a pension or a bonus; that I have usually paid my taxes wherever I have been located; that I have been a sociological and political worker for the last 25 years; that I was in Oklahoma in 1890 and saw that Territory organized; that I was back there again around 1900 and helped in its reorganization; that I have been familiar for 25 years at least with the city councils of the principal cities in the United States, so I pretty well know how our Government is run, I think.

Now, we here in the United States have been accused of not having an international vision of things; that our vision has been national only. I think that same idea in a smaller way may be applied to the District of Columbia, that our vision is not national, but local. It is very human to feel that way, very human, indeed. And so (I would like) right now (to say to those who are in favor of suffrage for the District, let us be big hearted and broad visioned and look to the good of the national welfare, rather than the little things we want locally.)

Now, (I might call this talk "The policy of accommodation," and I am going to apply it particularly to expediency and efficiency in government, not a question of ethical rights.) I think we can dismiss that by saying that the Declaration of Independence is an ideal paper, and just as soon as we got into practical politics of writing a Constitution we very quickly forgot the Declaration of Independence.

What was the very first thing we did? Only males should vote, forgetting one-half of the population, which were women; saying that slaves should not vote; saying that those who were not freemen should not vote; saying that the Indian not taxed should not vote, and to-day he does not vote anywhere in the United States. In Mr. Capper's State I think there are several and they do not vote.

It is also true that in the majority of the States prior to the formation of our country and our Constitution, there was always in all of those colonies or local governments, whatever they might have been, a qualification for the elector—£20 or £50 or 500 acres of land, some land and some money, some educational qualifications, some religious qualifications.

Now, sir, I don't think that up to the time of the signing of the Declaration of Independence there was any idea among the colonists that everybody was

born free and equal, because history does not carry out that fact. You may talk it as you will, but history does not mention that at all.

The speakers who have preceded me have mentioned the names of men and women in support of their contention for suffrage in the District, quoted Abraham Lincoln, quoted some lady in the District, Mrs. Mussey, I believe it was. So if I should mention names, either for or against, it is not personal. If I should mention a racial matter, it is in no wise personal. It is simply the statement of a fact that I am trying to bring out, so this committee may have the information that apparently those in favor of suffrage absolutely refuse to give. They did not in the House, and they do not seem to have done it here. I have not heard any of them present anything constructive, so far as a better form of government is concerned, than we now have. They have made their requests, but have presented no constructive form of government that would be better than we now have. And so I shall deal with politics only from a historical point, as applied to the District of Columbia.

Plato—I think most of us have read Plato—says an ideal government could be formed only of honest men. I think we have a lot of them in this country, but I say they are not all so. That would be the ideal form, and therefore, any form, if they were not all honest, must be a compromise.

Now, the Federalist, I do not think even by inference, in any of those papers I have seen, ever said that all men were born equal. I never read it anywhere in the Federalist. I may have missed a few papers. The Declaration of Independence says all men were born equal, but the Constitution by implication certainly says no.

Our friends, Jonathan Edwards and Benjamin Franklin, a couple of hundred years ago, had some quite definite ideas on both religious and political government. I don't care to go into that in detail here.

So I will just dismiss the Declaration of Independence as a great ideal that is impracticable and get down to the Constitution of the United States. (I am going to try to establish one point—that suffrage is not a natural, but an acquired right; that suffrage is not a panacea for all social, political, and economic ills; that the present form of government in the District of Columbia approximates what is best for the Government as a whole, for the District of Columbia is merely the workshop of the General Government and might as well be called a military reservation for all purposes.

It was not intended by the fathers—at least, I am going to make that contention, because others have made it otherwise—it was not intended that the District of Columbia was to be in any capacity whatsoever similar to any State or any Territory, formed or forming.) In Bryant's History, which was handed you the other day, and the lady said you would get all the history of the District in it, you will find in the first 25 or 30 pages—and I think it is a thoroughly concise history of the District—that it appears from all I can find (the author says) that the fathers did not intend the District of Columbia to have suffrage.

Now, (the North rather harshly compelled the South to accept the kind of government the majority thought best for the Nation as a whole, irrespective of what the South wanted as its local form of government. Now, that was for the Nation as a whole. It is true of the District of Columbia as a whole, as applied to the United States Government)—nothing less, nothing more.

North Dakota in its recent election turned out the Nonpartisan League, and North Dakota was governed very much like Russia is now under the Lenin form of government in some respects. I think so, anyway.

At the time we wrote the Constitution and voted on it Rhode Island held out to the last. That was the opinion of a certain number of people. It merely went to show that not all the States were united and agreed that the Constitution was exactly what each one wanted. It was a compromise.

I was in Oklahoma when that country was formed into a Territory. I was almost a "sooner" down there—punched cattle, was United States deputy marshal, chased horse thieves and cattle rustlers and counterfeiters, and so on and so forth—saw a lot of that, had a lot of fun. I was back there a few years ago and ran country newspapers and small-town daily newspapers. I believe that Oklahoma, when it formed its constitution, was called radical—altogether different from any one of the other 40 State constitutions that we had at that time—but it still works under the Constitution of the United States.

Now, (so long as white men have fought for supremacy among themselves there is little prospect that any colored race may expect any consideration of equality—economically, politically, or socially)—with all due respect to Presi-

dent Harding; and I am a good Republican. (It is at best only a truce—nothing more. Economics is the basis of all civilization; politics merely follow. Social equality is the ultimate desire of all men, and when they have not that they are not satisfied.) That is my opinion.

Now I wish to go back a little bit and see if I can find out whether or not the fathers of the Constitution really thought that all men were born equal.

In *The Constitutional History of the American People*, by F. N. Thorpe, under the significant subtitle of "Assumption of the responsibilities of citizenship" and similar page titles, the qualifications necessary to be an elector are dealt with.

To glance here and there we find that—

"New Hampshire 50 years before the Revolutionary War refused to allow any person to vote who was not a freeholder, owning land of the value of £20."

"In Massachusetts in 1696 a man had to be a church member in full communion, a householder, 24 years old, with an income of not less than 10 shillings." In 1692 they raised the ante to £20. That is not in the book. That is due to my early Oklahoma training.

"In Rhode Island about this time a man had to have real estate worth £40 or that rented for 40 shillings. But a freeman's son could vote, 'being the son of his father.' Rhode Island retained that in her constitution until 1842. At the present writing there are qualifications in the Massachusetts constitution differing from those of a good many other States, holdovers from those early days.

"The man who lived in New York City around 1750 and was not to the manner born paid a various price for his political estate, depending on whether he was a merchant, trader, or shopkeeper. If he had served an apprenticeship and was native born, he only paid £1. In addition, each paid sundry little fees, called tips in our day—6 shillings to the mayor and 6 to the recorder, 7 and 6 to the clerk, and 9 pence to the bell ringer and crier 'for wild riot'"—I don't know what that means—"and yet some people in New England said New York was a wicked town." Now, much of this was about 10 years or a dozen years before the Declaration of Independence.

"In New Jersey a man had to own 100 acres of land or real and personal property to the value of £50." In 1776 the State constitution changed this a little.

In Pennsylvania in the seventeenth century it took 50 acres or £50 to be a voter. A taxable was a voter, but not all taxables were granted the right to vote, for the franchise was granted only to free white males.

In Maryland about the same time 50 acres or £30 would give the suffrage, but to freemen only.

The colonies of the South bordering on the Atlantic Ocean were even more exclusive and careful in granting the franchise, especially with reference to religion and color.

Yet in the North, immediately prior to the Revolutionary War, the religious qualification was a prime necessity unofficially.

The New England States and New Jersey limited officeholders to Protestants. Jews were practically excluded from office anywhere, and Roman Catholics also, except in New York and Maryland.

In 1800 there were 108,000 free persons of color, and 890,000 slaves. The free Negroes were politically a people without a country. In 10 years their number had nearly doubled. To-day the population of the United States is 100,000,000, of which 15,000,000 are Negroes. We have a foreign population of at least 20,000,000. Add the 15,000,000 Negroes and the 20,000,000 foreign born and we have left 65,000,000 natives, of which possibly 40,000,000 are two or more generations old. Thus we can see the increase of the native whites is nothing in proportion to the increase of foreigners and Negroes.

Mr. KELLY MILLER (colored). Mr. Chairman, he said there were 15,000,000 Negroes in the United States. The Fourteenth Census, which has just been issued by the bureau, states there are 10,463,000, and I do not remember the exact number of hundreds.

The CHAIRMAN. Any questions you desire to ask or statements you desire to make the ruling was that you should write them out and send them up to the chairman.

Mr. MILLER. I beg your pardon.

Mr. AYERS. (In the District of Columbia we now have 375,000 white people and 125,000 Negroes, approximately 450,000 altogether.)

(In 1787 the Constitutional Convention met in Philadelphia in May. The work of that convention was made possible by three great compromises, and they were really only in the interest of expediency and efficiency. They are as follows, briefly stated :

1. The Connecticut compromise of large and small States giving equal representation in the Senate.

2. The compromise between the North and South, providing that slaves for representation and taxation should be counted at the ratio of five blacks to three whites.

3. The commerce compromise, which gave to Congress the power of regulating commerce, provided the slave trade was permitted to exist until 1808.

Those were the three compromises that made the getting together possible and the final formation of the Constitution of the United States.)

In the State of Ohio in 1903, Article V of the Elective Franchise, section 1, provided that only a white male citizen of the United States of the age of 21 has the qualifications of an elector. Since then, of course, it has been changed. President Harding was born in that State.

The CHAIRMAN. In what year was Ohio admitted as a State?

Mr. AYERS. 1802. Of course, that was changed later, as many others have been, the same as Kansas and Delaware and other States.

President Taft, now Chief Justice of the United States Supreme Court, was also born in that State, and I shall take great pleasure in quoting from this little book a speech by Justice Stafford, of the local district court, and the then President Taft of the United States, with reference to suffrage in the District of Columbia, Justice Stafford being for it and the then President of the United States being against it.

The Constitution of the United States in the fourteenth amendment says that all men over 21 years of age shall have the right of suffrage. I wonder why we said 21 years instead of 25 or 18. It appears to me it was a question of compromise, and a question of efficiency and expediency only. And all these facts and arguments I make I hope will gradually apply to the suffrage of the District.

Harvard College up until 1872 listed all its students in the order of their social rank, and nothing else, and Harvard College became so radical that a few years afterwards Yale College was organized. It does not seem to me that Harvard College is very radical, but that was the history of it.

In one work I have in my library, and down at the foot of the Constitution, is this little statement: "Omissions of the Constitution: 1, annexation of territory; 2, need of extended civil service; 3, rise of political parties; 4, possibility of attempts of States to secede." There was another left out. That was suffrage in the District of Columbia. It is not mentioned in the Constitution.

Now, we have in this Government, under this Constitution, a good many different forms of government, all operating under this Constitution, this rigid Constitution that we have, this Constitution which says that we shall have suffrage for males only, inferentially whites only, Negroes not, slaves not, Indians not. And we are now operating seven or eight forms of government under this Constitution. I shall enumerate them:

First. Forty-eight States with governors and legislatures elected by the people of those States.

Second. Territorial forms of government, such as Alaska, Porto Rico, the Philippine Islands, and Hawaii. That, as I remember, is covered by an amendment to the Constitution, a provision for the government of Territories to be carved out of the great West, but was not in the original Constitution.

We have a third form of government in Guam, the Virgin Islands, and Samoa. The Virgin Islands are under the immediate control of the Secretary of the Navy.

Fourth is the Canal Zone, a different form from the others. They did not give us the control, but we took it.

Fifth. Haiti and San Domingo. We control the Governments there. We put the President out, and we have run them, and we have had several scandals.

Sixth. Cuba. We run Cuba. Cuba can not make a treaty or borrow money unless we say so. That is an assumption of power under our Constitution, whether we have the right or not.

Seventh. Another form of government, the Indians, not taxed, can not vote. We ran them out of Georgia into the Indian Territory and located some of them on some very rich oil lands.

Then we have another form of government, which is the District of Columbia, making eight forms of government under this Constitution, enacted by a Con-

gress, signed by a President, duly elected by the electors of the different States, affirmed by the Supreme Court of the United States.

Now, I am going to come down to the practical situation in the District of Columbia. I have merely tried to give you a foundation for our forms of government and the psychology of the situation at the time the Constitution was written and at the time it was argued for adoption. (At no time will I say anything with reference to the ethics of the right to vote in the District of Columbia, because I concede that every American has that right, as far as I understand it. But for the sake of patriotism and loyalty) which we are talking about, (and the broad vision which we should have,) and which most of you have, (I think the present form of government is better than anything we have had in the past in the District of Columbia.)

Ex-Commissioner Macfarland, who died recently, was before the House Judiciary Committee reading a paper two or three hours in length. In that statement the only thing he had to say as to why the District government was changed from that of a mayor and common council to a Territorial form of government, and then to a commission form of government, was contained in one sentence, so far as enlightening the Judiciary Committee was concerned, and this is the one sentence:

“Circumstances that had nothing to do with the question of national representation of the District of Columbia brought about the abolition of that Territorial government and the substitution of the commission form of government, without any kind of representation in Congress, or in the electoral college, or in the municipal government.”

In a three-hour statement that is the only thing the gentlemen said with reference to why that form of government was changed. It will be my pleasure this afternoon to give you some reasons why it was changed.

An editorial in the Star of October 27, 1921, will shed some light on that question. In reference to the laying of the cornerstone of the City Club Building, the editorial says:

“In his fine address at the laying of the cornerstone of the new City Club Building yesterday Vice President Coolidge made a remark that should be considered thoughtfully not only by the residents of Washington, but by all who have to do with its administration and with legislation affecting it. He said:

“‘This building typifies the great change that has come to the city of Washington. Laid out with the thought that it would be only the seat of the Federal Government, the home of the Executive, the Congress, and the Supreme Court, which decides what is law, it has since gathered around it a metropolitan and cosmopolitan life composed of those not in the service of the Government—men of affairs, leaders in the industrial and business life of the great city fast approaching a million population.’”

The Star goes on to say:

“The evolution of Washington as a community has not been even in its degrees. It has advanced by impulses, chiefly imparted by great events affecting the national life. The Civil War added very greatly to the city's population. The Spanish-American War made another contribution. The Great War brought about the most marked change in the size and character of the Capital city of any in its history.”

It has very much more to say, but I will not read it. There has gradually been a great change in the city of Washington, psychologically, geographically, and socially.

In the Star of November 2, 1921, is an editorial entitled “Washington, the Capital,” which reads as follows:

“President Harding, in his Thanksgiving proclamation, strikes a medium of designation in the final clause: ‘Done at the Capital of the United States this 31st day of October, etc.’ He does not say ‘District of Columbia,’ as did his predecessor, or ‘Washington,’ as did earlier occupants of the White House. Assuredly this is the Capital of the United States whether the official designation of the seat of government is Washington or District of Columbia. There is but one ‘city’ in the District of Columbia, and that is Washington, and the boundaries of the District are the city limits. Washington is coterminous within the District. Statutes have been written which definitely mention Washington as the Capital, and it would be a complete return to ‘normalcy’ for the Executive style to be brought clear back to the old question of dating state papers at ‘Washington.’”

So (this is not just a little community, it is the Capital of the United States.) I wish you would all try to remember that.

In the new paper, the Washington News, the first copy, the leading editorial says:

“What is this Washington of ours?”

“It isn't the ‘hill’ nor the White House, nor the Monument, nor indeed any of those things which bulk so large in the eye of privilege seekers, job hunters, tourists, and society people.

“It is rather, the home of some 80,000 public servants with their families. Its lifeblood is the four or five millions of dollars that come out of the Treasury twice a month to meet the Federal pay roll in the District of Columbia.”

And I think that right there is the reason for the quotation of statistics made awhile ago in regard to the comparatively small number of failures in business in the District, because we have nothing to close down. The Government goes along all the time and usually increases its expenditures every month of the year with each succeeding year. We are very fortunate indeed, I would say.

It goes on:

“This pay roll provides a revolving fund that keeps the wheels going round.

“These civil servants, these Federal employees in turn employ the merchants, doctors, lawyers, bankers, the street car companies, and the other public utilities.

“These civil servants drawn from every State, almost every township in the country, constitutes a cross section of the American people.”

Bear that in mind, a cross section of the American people, not just a lot of local people.

“They represent the flower of the learned professions and the experts of most of the useful crafts and trades.

“This is the Washington to which the News comes. It comes to stay. It comes with the ambition to become known as a useful citizen and a good neighbor.”

Here is something even more practical. Right there is a picture on the wall of this room of Senator McMillan, of Michigan, who lived here many years, was chairman of the District Committee for many years. I remember Dr. Gallinger, who was chairman. I remember Senator Hale, who was chairman, if I am not mistaken. If I am wrong in these matters any man here may correct me. When those men passed out, the Star and the Post—usually the Star, and other papers too—had long eulogies on the services these men had rendered the District and the efficient manner in which they did it. There was never any criticism of those men; always a eulogy.

That is true of the retiring engineer commissioner, Col. Kutz. The engineer commissioner must be 15 years a captain in the Army, must have graduated from West Point and must be an engineer. He is far removed from politics. He has been divorced from politics all his official life. He is here under the eye of his superior officers, the Secretary of War, the General Staff, and his immediate superior officers. He has a salary that continues through his natural life, whole pay while in service and three-fourths pay when retired. So there is very little inducement that politics or business could offer him to do anything other than be honest while in office.

In the Star of October 3, 1920, is an article entitled “George Washington's dream of America's Capital City,” from which I wish to read this paragraph:

“As was said by Senator McMillan at the time: ‘The keynote of the centennial celebration was the improvement of the District of Columbia in manner and extent commensurate with the dignity and resources of the American people. eSnators and Congressmen vied with governor after governor in commendation of the idea put forth by the local committee that the time had come for the systematic improvement of the District of Columbia.’ (McMillan's report, Jan. 15, 1902.)”

(Very few city governments have as large a vision as Congress has in its vision for the District of Columbia.)

Here is an editorial of October 4, 1921, eulogizing Col. Keller, the new commissioner, who had been a subordinate to Col. Kutz. It is a whole half-column editorial, not a news item.

Here is an editorial in the Star on Senator Curtis, a Member of the House for many years from Kansas, and also many years in the Senate. It says he has always been a friend to the District of Columbia.

Politics in the District 50 years ago, as reported by the Star. I have a dozen of these reports, and they are screams. July 10, 1921, 50 years after that date, is reprinted this article in the Star:

"Speedily following up the plan of the Territorial board of public works 50 years ago, the house of deputies passed a bill providing means for a general and systematic improvement of the city. Opposition naturally developed. The Star said of this in its issue of June 29, 1871:

"The opposition is mainly political and appears to be inspired partly by the disposition to cripple the new government as a piece of party tactics and partly because the disbursement may not be made in a way to help the "outs" to the ascendancy.

"The organ of that party here has labored quite assiduously to get up a public meeting in opposition to the improvement plan, and a well-known lawyer of the same party, who figured lately as a Democratic candidate for Congress in New York, has within a few days appeared here and given much zealous labor to the task of working up this "spontaneous demonstration" against the measure. A call for a meeting of the property holders to consider the improvement loan bill appears to-day and bears the signatures of some 20 citizens of high respectability, but on the rule that all is fair in politics the names of several of these gentlemen appear without any authority, and probably this may be the case with the majority of them. One of the gentlemen is in Europe, another in the far West, and several now in the city assure us that they not only never authorized the use of their names but that they are heartily in favor of the improvement measures."

The next article from the same issue reads as follows:

"The meeting was held, and the Star in its issue of June 30 thus discussed it:

"The meeting, called by Col. Philip, was very respectably attended, but, as was shown by the only test vote of the evening, was about evenly divided, standing 27 in favor of the bill to 34 against it. The speeches made by Messrs. Philip and Riddle in opposition to the bill are very good specimens of lawyerlike pleading, but no better than the arguments they made some months ago on the other side of the question and in favor of a District government empowered to carry out just such a comprehensive system of improvements as it now proposed. Mr. Durant, being new here, shot rather wild and peppered some of Mr. Philip's favorite ideas after the most cruel fashion, quite unwittingly."

"As regards the meeting, we think it well that it has been held, as affording an opportunity for the presentation of all possible objections to the bill and in the strongest light possible. These objections have now been made, but if they have any weight we have no resort but to fall back upon our old profligate, systemless, municipal style of expenditure and patchwork improvement. Under the old order of things the four or five millions of dollars asked in this bill will be frittered away without appreciable results. The board of public works present a general plan of improvements, accompanied by an estimate. It is safe to say that under the old municipal rule a comprehensive system of this kind would have cost ten times the amount of these estimates."

Politics in the District of Columbia 50 years ago, as reported by the Star in 1871:

"The report of the police court made by the committee of the house of delegates (municipal government) yesterday, was to have been expected from the evidence before it, and while courteous in its tone, it is trenchant in dealing with the flagrant abuses proved to be incorporated in the management of affairs by the subordinates of the court. The committee also, while exonerating Judge Snell and Clerk Grey from any wrongdoing, censure them for not giving due supervision to the conduct of the subordinates.

"It is natural that the disclosure of this rotten state of affairs should cause great prejudice against the court, and the cry comes up from various quarters for its entire abolition and the return to the system of police magistracy."

There is a lot more along the same line, which I will not take the time of the committee to read.

Here is another editorial from the Star of 50 years ago. This was July, 1871:

"The spontaneous grand mass meeting of citizens which was to have been held on Capitol Hill Monday night to protest against the improvement bill did not come off. Somebody had been at the pains to erect a large stand, with ample accommodations for a crowd larger than could be accommodated within walls, but at the time appointed for the meeting less than a dozen were present, including the knights of the pencil. Col. Philip did not come forward, but 'Gen.' A. Grant appeared and went through the characteristic performance

of calling the meeting to order, nominating a chairman, vice presidents, and secretaries, and appointing committees, after the Bentonian and Philippian style of setting the ball in motion, "solitary and alone."

"As stated by us on Monday, the live men of that part of the city who signed the call did so upon the representation to them that the meeting was to be held to secure a fair share of improvements for that part of the city, but when they found that the demonstration was to be used as capital by the opponents of the District government and against the improvement bill they concluded to let it alone severely."

There is a lot more of that along the same line, which I will not take the time to read.

In a later issue, of July 8, 1871: "Reasons for opposition:

"The Tammany organ, unsuccessful in its attempt to cripple the District government and defeat the improvement loan bill, now carries its partisanship to the extraordinary length of seeking to break down the financial credit of the District and make it impossible to raise the money to carry out the proposed improvements. Let the people understand this fact: Gov. Cooke can readily raise the money needed to carry on the District government at 6 per cent. If the taxpayers have to bear the burden of a higher rate of interest it will be solely due to the mischievous partisan efforts of the Tammany patriot crowd, who, in their rule-or-ruin policy, care little how much they damage business interests and the interests of taxpayers so that they make a point politically. They would prevent the expenditure of a single dollar for improvement or the employment of a single mechanic or laborer, because they can not secure the handling of the money or the selection of the men for the furtherance of their own selfish political purposes. The mass of the people, who see business and improvements of all kinds at a standstill through the hindrances made by these Tammany politicians, are thoroughly disgusted at being made to suffer in this way from the miserable pettifogging tactics of two or three political lawyers and a hungry Tammany newspaper."

You all know what it means when we speak of the Tammany organization.

Then we have this from the Star of November 6, 1921, taken from the Star of 50 years ago:

"New York can make more noise and accomplish less and take more time to do it in than any other American city East or West. For months past whole pages of the newspapers have been filled with the details of immense frauds upon the city government; the guilty parties are known; they have been lampooned and caricatured, forgery and robbery of millions of dollars of the peoples' money has been laid at their doors, and yet in all this time not one of them has been punished for his misdeeds, not one dollar of plunder wrested from them. On the contrary, they are allowed ample time to transfer their ill-gotten gains, and one man, the ringleader, the 'boss,' while busy placing millions of dollars plundered from the taxpayers into the hands of his friends and accomplices for safe-keeping, is actually put up as the regular Democratic candidate for the State senate and has the cheek to come before an outraged people for their votes. Mayor Hall mounts his charger and rides triumphantly to a 'justice shop' where ample apology is made for the trouble he has been put to in complying with certain little legal forms; Tweed rolls to the tribunal in his carriage, and after condescending to trouble himself about the matter of bail, goes back to his palace; others of the ring plunderers are clothed in fine linen and fare sumptuously every day, with no fear of the law, and in the meantime poor devils are brought into court every hour for stealing a dollar or two, convicted on one-tenth of the evidence which has accumulated against these millionaire robbers, and sent to prison to expiate their crimes. No wonder that in a community where there is such a mockery of justice as this we find hints in the newspapers of a general wish for an execution of the laws a little more impartial, something swifter and a great deal surer. The Standard significantly says: 'We are really governed by a commune. And our only regret is that this commune does not take hold and make their work more thorough. There is only one way.'

"Though the mills ground slowly, they ground exceeding fine. 'Boss' Tweed was brought to trial in 1873 on a charge of grand larceny and forgery and sentenced to 12 years' imprisonment. The sentence was reversed in 1875, but being unable to furnish bail in certain civil suits, he was committed to jail. He escaped to Spain, was arrested there, brought back on an American warship, and died in jail in New York."

Washington
 When the Star referred to the Tammany gang in the District of Columbia that is the kind of a gang the Star meant that they had in 1871, and it is possible to have the same kind of a gang again.)

The CHAIRMAN. How long would you like to continue?

Mr. AYERS. I would like to have at least another hour.

The CHAIRMAN. Why not yield now. You have spoken three-quarters of an hour and you will have another three-quarters of an hour at another day. There is an article here from Mr. Baker that I would like to have read into the record.

Mr. AYERS. I will be very glad to do that, Mr. Chairman.

The CHAIRMAN. We have here a letter written before the beginning of this hearing. I think this is a proper place to put it into the record. It is from John A. Baker, who is opposed to suffrage. As we only have a few minutes until we must adjourn, I will request that the clerk read the letter and inclosure for the record.

(The documents referred to were thereupon read by the clerk of the committee and are here printed in full, as follows:)

WASHINGTON, D. C., November 5, 1921.

To SENATOR BALL,

Chairman, and the Members of the United States Senate Committee on the District of Columbia.

GENTLEMEN: Fearing that the many papers presented to your committee, the probability of the loss of the communication of which the inclosure is a copy, I am sending you a duplicate.

The propaganda for suffrage is under the management of a few persons ambitious for congressional honors and influence. The citizens of the District of Columbia of the present generation, and many of the newer residents, know nothing of the conditions that existed here previous to the establishment of the present form of the District government, and it is in this field that the propagandist is diligently working. These citizens would repudiate the scheme if they were familiar with conditions referred to and knew the dangers involved.

The columns of the Evening Star newspaper of the seventies exhibit the evils and show the disgraceful conditions of the then existing condition. It, I think, applied to the then existing legislature the designation of "Feather Duster Legislature."

The present editor of this newspaper, who is a leading advocate of suffrage before your committee, may assist your deliberation by furnishing it with some of the interesting articles referred to.

I inclose with this an excerpt from the pen of a very distinguished publicist.

The police records will doubtless indicate the source of the crime wave here just now; what it would be with suffrage is not pleasant to contemplate.

The cause of the calling off of the inaugural ceremonies by President Harding is not far to seek.

This is the Capital of all the people of this great country and it should not be subject to the whims of the few here who advocate suffrage, and lose the fostering care of the Congress. Can they secure a better legislature than the Congress of the United States?

Yours, very respectfully,

JOHN A. BAKER.

It is historically true that Washington and L'Enfant never contemplated as a design or an outcome that the National Capital should ever become a commercial or a manufacturing city. It was never intended to be a populous city. It was to be essentially a political city—a city of government, with the government idea dominating and glorifying everything—with nothing ever to subordinate the Government anywhere in population, in commerce, in the splendors of trade development, in the wrangles of factions, or in the clash of industry. It was to be the "unique city," the "different city," preserving its mission through the centuries and absorbing all splendors and all renown into the glory of the Government.

It was in this way that it was to be the people's city—with every citizen holding the loyal and tender tie of part ownership in all that made it great—in stately buildings, and in fair repute. That every citizen should feel his common proprietorship with every other citizen in the pride of ownership in the Capital of our common country.

And so the Capital was to play the part of the heart to the Nation's veins, pulsing the rich blood of fellowship and kinship and unity from the center through all the far-flung arteries of patriotism throughout the circumference of the circumscribing States, inspiring the united which is strength and avoiding the divisions which make for disaster.

The spirit and the plan of this our Capital is one of the richest legacies which the great Virginian left to his country. How noble and wise the suggestion. How infinite the civic obligation to keep it always in the national mind.

The exclusive control of the District of Columbia by the Congress insures a dignified Capital for the Nation; and, through this control, the citizens of the Capital enjoy peace and security freed from political and other disturbances, and from plunderers, corrupt contractors, corrupt officials, and inefficient administration. Such evils can not exist under the present form of local government. The municipal affairs of the District are administered by commissioners, who are under the direct observation of the Congress and the President, subject to removal at any moment for inefficiency, neglect of duty, or dishonesty.

The cost of administering the existing local government is relatively small; it has no complex machinery, no excessive pay rolls, no superfluous employees appointed through favoritism.

Quiet reigns at the District Building, and the business of the municipality is, in the highest sense, satisfactory to the citizens. In a word, in the view of all thinking people, it is a model government, an example for all city governments.

It was the form of government for the District of Columbia in the beginning, and it was a misfortune that it was ever changed.

Later, when the population was small, life simple, and the citizens knew one another, it was thought by the Congress that under its observation a mayor, common council, and board of aldermen could be ventured as a local government; and in that simple period it was successfully managed by the best and most respected citizens from all walks of life working for the public good and holding the confidence of their fellow citizens and of the Congress; but during and after the Civil War the population was largely increased by many idle and ignorant people from the neighboring States, and by many adventurers of doubtful character, who easily secured the following of the former, and with their votes took over the local government.

Then followed all the evils that such a condition necessarily entailed; scandals, graft, riots, and disturbances prevailed until the situation became intolerable.

In this condition of affairs it was thought that the remedy lay in a governor and legislature and a Delegate in the Congress, and the Congress abolished the old and created the new government.

It soon became apparent that the new form of government was not to prove a solution of the grave situation. A small clique of shrewd politicians, seeing their opportunity, took over the active direction of the elections and became the political bosses of the community. They caused the elections of such legislators as they could control, and elected (appointed) a Delegate to Congress, a man little known to our people, who had but a short residence here, and who, having but little interest here, after the expiration of his term took up his residence in a distant State. He was a mere cipher in the Congress, as any successor must be.

Among the devices for securing their control they divided the District into blocks or divisions and appointed a captain over each to take charge of and control the votes of the ignorant people referred to.

These captains, under pay and the hope of office, so terrified these ignorant voters that none was free to vote as he wished. The proceedings of a legislature so elected were, of course, directed by these bosses, and, of course, great scandals followed.

This disgraceful legislature of the seventies, on its dissolution, was known as "The feather-duster legislature." Its members personally appropriated and carried off every portable thing in the legislative halls—feather dusters, spittoons, stationery, soaps, brushes, etc.

The files of the local newspapers of the period exhibit the character of that disgraceful body, of which its few respectable members were powerless.

The scandals of that government became so great and the conditions so intolerable that the Congress was again appealed to by the citizens to change the form of government, recommending the original form of government by commissioners. The Congress then provided the present form of government,

which has worked so well for the last 40 years—a government to which no scandals have attached, where no assembling of jobbers after contracts and office crowd the Municipal Building, and where all is order and quiet and efficiency.

During and since the late war the undesirable, ignorant, and vicious element that came here during and after the Civil War has been largely increased, and now that part of the population is dangerous because of its great number. In any form of suffrage that element must be reckoned with; its vote will be so potential that, when directed by shrewd, dangerous men and small politicians, the interests of the citizens generally will be held in subjection by it. It is appalling to think of what the conditions here would be if the vote of that element be increased by woman suffrage. A Representative in the Congress, in the nature of things, can not advise and inform the committees of that body as to the needs and affairs of the District which they require in providing for them. The commissioners, who are daily and continuously occupied with District affairs, necessarily know the needs of the government and are always prepared to give the needed information to such committees.

It may be well to add that I do not know any of the present commissioners nor their friends or associates.

The CHAIRMAN. We have a number of communications in favor of suffrage, which will be placed in the record at the proper time. I think that is the only one against suffrage.

Mr. BRANDENBURG. Can you give us any idea how to arrange for the presentation of our argument in behalf of the Jones bill? We have a number of gentlemen who are very anxious to support that bill.

The CHAIRMAN. You have your own system of presentation, of course. You will be granted two hours' time at the next sitting of the committee.

Mr. BRANDENBURG. Two hours at the next sitting of the committee?

The CHAIRMAN. Yes.

Mr. BRANDENBURG. And how can we arrange that time?

The CHAIRMAN. You must arrange that among yourselves. You still have four hours coming to you.

Mr. CLAYTON. Four hours for those that support the bill?

The CHAIRMAN. Four hours for those in favor of some bill for suffrage.

The committee will stand adjourned until Friday at 2 o'clock.

(Whereupon, at 4 o'clock p. m., the committee adjourned to meet again on Friday, the 18th day of November, 1921, at 2 o'clock p. m.)

SUFFRAGE IN THE DISTRICT OF COLUMBIA.

FRIDAY, NOVEMBER 18, 1921.

UNITED STATES SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C.

The committee met, pursuant to adjournment, at 2 o'clock p. m. in the committee room, Capitol, Senator L. Heisler Ball presiding.

Present: Senators Ball (chairman), Capper, Jones, Gooding, King, and Sheppard.

Present also: Col. Winfield Jones, representing those favoring the bill providing for a delegate in the House of Representatives.

Mr. E. C. Brandenburg, representing those favoring the adoption of the Jones resolution, providing for a Constitutional amendment.

Mr. G. W. Ayers, representing those opposed to any form of suffrage in the District.

The CHAIRMAN. The committee will come to order.

SUPPLEMENTAL STATEMENT OF MR. JAMES T. LLOYD.

Mr. LLOYD. Mr. Chairman, in my statement made on last Monday there seemed to be some question as to the correctness of my estimate of the voting population in the District. I stated that the population, as shown by the census, was over 435,000, and that of this number 85,000 were Government employees. I wish now to call your attention to the fact that 12,000 of these Government employees are residents of the District and have been accredited to it.

Many of the older of the employees of the Government have lost their legal residence elsewhere. There is no way at present to determine the exact number of those who have thus lost a voting residence, but I feel sure that no one who has investigated the matter will question that at least 20,000 of them are deprived of their votes because they have lost their residence. If this statement is correct, then the number of Government employees who have legal residence here and a voting residence elsewhere would be 52,000, and this would reduce the bona fide legal residents of the District to 383,000, and would fully bear out the correctness of my former statement.

I think I can present a more satisfactory and convincing statement in another way.

In 1910 the census shows that there were 103,761 males and 116,148 females in the District above the age of 21 years, or a total of 219,909 residents. There was an increase in population between 1910 and 1920 of approximately 30 per cent. If there is added to the number of persons of voting age in 1910 30 per cent on account of the increase in the last decade, it would show a voting population at the present time of 275,881. Now there are 85,000 Government employees, as I have stated, but of this number 12,000 are accredited to the District. This would leave 73,000 who are not accredited to the District. There are probably 8,000 of these employees who are 21 years of age, which would leave as the outside voting population 65,000. Of this 65,000 at least 35,000 are women, and of the women employed by the Government less than 5,000 are married. Of the 30,000 men who are employed by the Government probably one-half are married, so that the married employees include not more than 20,000 of these employees.

Suppose that the families of this married population would increase the voting population by the same number, then the total number of voters in the District would be reduced by 30,000 male voters, 35,000 female voters, and

20,000 voters who are members of families of employees, or a total of 85,000 voters here who are entitled to vote elsewhere. This would reduce the number of persons of voting age in the District from 275,881 to 190,881. There are always other deductions to be made from the number of those who are 21 years of age on account of various kinds of qualifications that are required of voters, but this would not reduce the number of voters in the District from those of legal age certainly by more than 40,000, so that there would be at least 150,000 actual residents of the District who would, under any reasonable requirements, be entitled to vote here.

The chairman stated that he was surprised to find the number who voted by mail in the campaign of 1920, but I feel sure it is safe to say that there are not more than 85,000 Government employees in the District, being the number I have estimated, who are entitled to vote in the States.

I feel sure that the two methods used to reach the number of qualified voters in the District prove beyond any reasonable doubt that there would be at least 150,000 legal voters in the District who would vote for electors and Members of Congress if under the law they might do so.

Mr. BRANDENBURG. The joint citizens' committee, advocating in the affirmative the passage of the Jones resolution, asks that Mr. Paul E. Lesh be first heard.

The CHAIRMAN. He represents the City Club?

Mr. BRANDENBURG. The joint citizens' committee and also the City Club.

STATEMENT OF PAUL E. LESH, ESQ.

Mr. LESH. Mr. Chairman, to make what I will say clear to the committee, I want to say that I speak in favor of the Jones resolution, Senate joint resolution 133, and against Senate resolution 14 and Senate resolution 417, the Poin-dexter and Capper bills.

Mr. WILLIAM MCK. CLAYTON. Mr. Chairman, may I interrupt, so that we may understand the situation? I understand they are the proponents of the Jones bill.

Mr. Lesh, when you speak against the Capper bill are you representing the joint committee or not?

Mr. LESH. I am not. I wish myself to make that plain, and would have done so.

I think it is important, Mr. Chairman, that when one appears in two capacities, as some of us do now, we should make it plain who we are speaking for, because my own personal views might be of little importance. I happen to be a member of the committee on brief of the joint citizens' committee, but I am appearing here to-day in my capacity as chairman of the suffrage group of the City Club, and anything I say against this Delegate bill I must say in that capacity, because the joint citizens' committee has not taken a stand upon the Delegate bill.

As to my authority to speak for the City Club, the chairman may be acquainted with the fact that the City Club is an organization of about 1,500 professional and business men of the city of Washington. It was chartered just recently, in 1919, but for a purpose which included the discussion of such measures as this; specifically, to make the clubhouse a place for the discussion and development of that civic, literary, artistic, social, economic, and all other matters calculated to advance the welfare of Washington and the Nation at large.

Twenty-five or more members may organize, who are interested in a particular subject, within the City Club. The suffrage group, so-called, is the largest group in the club, consisting of about 290 members.

It is so easy to say "suffrage," and not define what you mean, that we thought it important to define what we stand for with some exactment. In August of 1920, after considerable discussion, we adopted a platform, a printed single page document. We sent that platform to all our members in the club. We sent it with a single letter, and no follow-up, asking for the expression of opinion from those club members, whom I really think were representatives of the city of Washington, upon this platform. We got 17 responses of disapproval; we got over 500 responses of approval.

The CHAIRMAN. Disapproval of what?

Mr. LESH. Disapproval of our platform, is all I can say.

The platform reads as follows:

PLATFORM OF THE SUFFRAGE GROUP, CITY CLUB, WASHINGTON, D. C.

The objects of the suffrage group of the City Club include the discussion and consideration of measures proposed for the extension to the citizens of the District of Columbia of the rights, privileges, and immunities of other citizens of the United States, and the advocacy of such measures as may be approved after consideration.

After careful consideration, the group has adopted the following conclusions:

Self-government is the American ideal, and is accomplished in the United States by the selection by the people from among their number, of the persons who make, execute, construe, and enforce the laws of the Nation, and of their respective States and municipalities. It is recognized as the right of the citizens of each municipality to govern its affairs, to participate in the government of the State, and to participate also in that of the Nation. The deprivation of the citizens of any municipality or political district of that right can be justified only by reasons which are compelling. The people of the District of Columbia live in a political subdivision which is a part of the Nation, and is a municipality, but is no part of any State.

The reasons which prompted the location of the seat of the National Government in a political subdivision, which should be no part of any State, are recognized, and therefore the setting up within the District of Columbia of a State Government is not approved nor advocated.

The recognition of the principle of self-government in the affairs of the District as a municipality is approved, but the practical application of the principle of municipal self-government to the municipality which is the seat of the Government of the United States, presents such difficulties of detail and is opposed by so many citizens upon the ground that it would constitute an interference with the rightful jurisdiction of the Congress of the United States over its seat of government, that no measure of local or municipal self-government which has been proposed is approved or advocated.

We approve, however, and advocate participation by the citizens of the District of Columbia in the Government of the Nation, and the assumption by them of all the duties and the extension to them of all the privileges of other citizens of the Nation. Such a participation is free from all objections and particularly from those which are urged against the making of the District of Columbia a self-governing State or a self-governing municipality. The withholding from a half million of citizens of such privileges and duties is a plain violation of the principles upon which the Nation was founded. The people of the District pay the Federal taxes, as well as their local taxes imposed by Congress, and they are, like all other citizens of the Nation, in other respects, subject to its laws. In the making of these laws, however, they have no voice whatever.

The people of the United States generally participate in the National Government by electing the Members of Congress, and, indirectly, the President. They may invoke the national judicial power in proper cases by suing or being sued in the Federal courts. The grant of like privileges to the citizens of the District can be accomplished only by an amendment to the Constitution. An amendment has been proposed, House joint resolution No. 11 of the Sixty-sixth Congress, which we approve.

This was a postal-card canvass, a postal card accompanying the platform which indicated what we were after, but I must say that there was a total of 17 dissents. We sent that circular to every member of the club.

So that I think I can come before you with this platform and say that though I am only the chairman of a group of the City Club, this represents the views of the City Club upon this subject.

The CHAIRMAN. A question has been submitted here: "What were you after in the specific letter?"

I suppose he means, how was that specific letter worded.

Mr. LESH. I can put a copy of it in the record. I loaned my only copy of it to a newspaper man the other night and do not have one here to-day. It was in substance that "The suffrage group has adopted the inclosed platform. We would like to have your views upon it. Kindly indicate them upon the inclosed postal card."

The inclosed postal card read: "I am"—or "am not," in the alternative—"in favor of suffrage in the District of Columbia as outlined in your platform. You may"—or "may not"—"enroll me as a member of your group."

When I say we received affirmative answers, I mean we received a post card signed by a man who said, "I am in favor of suffrage in the District of Co-

lumbia as outlined in your platform. You may enroll me as a member of your group."

In order that what I say, as well as what appears in the record, may have some continuity, I want to say that this platform considered self-government in the District from three angles: Self-government of the municipality; self-government of it as a State; and self-government as a part of the Nation. We say that we recognize the reasons that dictated the location of the capital in a place which should not be subject to the jurisdiction of any State, and that therefore we do not advocate the setting up of a State in the District of Columbia. We say that municipal self-government presents so many difficulties of detail, because of the national interest here, that we do not advocate what is ordinarily comprehended by the term "municipal self-government," but we say that every dictate of American policy and American practice is to the effect that we should be a part of the Nation, and that we feel that the Burrows resolution, which was the one referred to in this platform of last session, and the Jones resolution of this session, would for all practical purposes, for all working purposes, be satisfactory to our citizens, as making them a part of the Nation, and therefore that is what we advocate.

Coming at this time, after we have heard from the negative to a certain extent on the general proposition of suffrage, I think the committee might be interested in having a brief statement of my views in the way of reply to some of the arguments that have been presented against the general proposition of suffrage.

The CHAIRMAN. Might I make a suggestion?

Mr. LESH. Certainly.

The CHAIRMAN. There are, of course, several phases of this subject. I think it would be well for the speakers discussing the proposition to discuss the phase of the constitutional amendment providing the right to vote for President and Vice President and representation in Congress, as distinguished from statehood rights, because there is a very strong sentiment along that line.

Mr. LESH. I may say, Mr. Chairman, any sentiment which there might be against the granting of full Statehood rights I would sympathize with; any sentiment which there might be against giving us representation in the House of Representatives according to our numbers, and one or two Senators, is just the sentiment that I come here to combat and to overcome. To that sentiment I would like to address myself before I am through.

The chairman had read into the record at the close of the last session a very interesting letter signed by Mr. John A. Baker, one of our respected individual citizens of the District. I have not had an opportunity to read that letter, only to hear it read at the last session, but Mr. Baker wrote a similar letter to the House committee, and for that reason I feel that in discussing that letter I am discussing his letter to this committee.

What Mr. Baker argues against is not what we are advocating. He argues against a change in the national control of the National Capital. So far as the Nation's control of its capital is concerned, the suffrage group of the City Club is in entire accord with that condition, as is also the Jones resolution. It does not detract one iota from that provision of the Constitution which says that Congress shall have exclusive jurisdiction in all cases whatsoever. Anything of interest or of value that the committee may find in that letter is at least no argument against the proposition that we bring before you.

If there is read into Mr. Baker's argument or any similar argument, which is based upon the experiences of the early seventies and the "feather duster" legislature, any argument against the qualifications of the people of the District of Columbia—if the argument really runs in this wise: That because we or our fathers may have elected in the seventies some persons to represent us in a municipal assembly who did not do us credit, that we would elect similar men to represent us in the House and Senate, it seems to me that such an argument need only to be stated to be answered. Every Senator on this committee—not every Senator, because some may be rural Senators—but many Senators on this committee come from places where there are elected in the same election, by the same electorate that elected them, petty municipal officers. Many men have doubtless been elected in your State to municipal or local assemblies who would not grace the Halls of Congress. The quality of the place has a good deal to do with the quality of the candidate, and it is not fair to us to hold up the men, some of whom I am assuming because of what has been said, were not fortunate selections, as any evidence that we are not qualified to-day, as well as any other people in the United States

are qualified, to select representatives in the House and Senate and presidential electors, or to put it concretely and more practically, elect a President and Vice President. The difference between the qualities of our electorate and the qualities of the electorate of 1870 have already been developed and will be developed by other speakers.

If any such speaker appearing in opposition means because we had an unfortunate experience with the municipal legislature, and because we were not well governed locally then, that he would rather live under a well-governed despotism than under a democracy, than under a government that he has anything to do with himself, with him I personally take flat issue.

I would like in this connection to call to the attention of the committee what Mr. Bryce said in his work on the American Commonwealth.

The CHAIRMAN. Would you like to have questions asked as you go along?

Mr. LESH. If it does not result in taking up more time than is warranted.

The CHAIRMAN. This is not taking a position for or against any of these propositions, because my mind is open on all of them, but I think it is well to bring out matters that occur to me while you are talking, so that you may have a chance to answer them.

Mr. LESH. I would very much prefer it.

The CHAIRMAN. I do not think the conditions are exactly the same, even though the voting population of Washington would be the same as the smaller States, when you come to an election of Senators and Representatives, for this reason: The District of Columbia would be the only State with voting Senators and voting Representatives that would be governed by that Congress; therefore there are local matters that would come up in this government which would make, to my mind, some distinction between a Senator representing the District of Columbia—as we are dealing with the Senate now—and a Senator representing a State which is governed by a State government, over which that Senator has absolutely no influence or in which he has no voice except his personal influence and voice as a citizen of the State. It makes, to my mind, a distinction which I think you should take into consideration in presenting that phase and answering any questions that might arise.

Mr. LESH. Mr. Chairman, I don't think any person who is trying to be fair could fail to appreciate the fact that there is that difference, but whether that difference is an argument against our proposition is another thing. It is rather an argument in favor of our proposition. If we have the only community that is governed directly by Congress, so much the more we ought not to be the only community that has no Representative in Congress. It is an anomalous condition. I know what you have in your mind.

The CHAIRMAN. Let me put it in a different way. I want to impress upon you this matter as it appeals to me just now and see if you can analyze it. It came in my mind for the first time when you made that statement.

Suppose the District of Columbia should send two Senators to the Senate and one of those Senators should become chairman of the District Committee, which has charge of the government of this District. He represents not much more than one-half of the people here, as you would be pretty nearly evenly divided, I take it. He may be elected from some particular interest, some particular class, because Washington is not a business city. Washington differs from every city and State in the Union in that respect. Your classes and occupations are different. The only business interest you have here is the real estate business. The real estate business might elect a chairman of the District Committee, which would run this District in the interest of that particular line of business, to the detriment, it might be, of the people in general. That makes a distinction between a Senator elected from any other State and a Senator elected from the District of Columbia.

Mr. LESH. Mr. Chairman, in the first place, though I feel your reference was half jocular to real estate, there are some other businesses in the District of Columbia; but your statement in general that we are not a manufacturing community, not an industrial community—

The CHAIRMAN. Not a farming community.

Mr. LESH. Not a farming community, is certainly accurate, but I do not follow you to your conclusion. No one can hear you, Senator Ball, make that statement, without arriving at the conclusion that you are thinking about specific recent rental legislation in the District.

The CHAIRMAN. No; I was not thinking of that. The thing in my mind was that the population, to a very large extent, might be a foreign population. That was the thing I had in mind, but instead of bringing it out, I let it go as originally stated. It is a cosmopolitan population.

Mr. LESH. If you mean foreign in the sense of coming from foreign countries to the United States, I would say hardly that. There is as little of that here as there is anywhere in the country.

The CHAIRMAN. But you have a different population from that of any State.

Mr. LESH. I want to say, in reference to the suggestion you have made, that I am confident the interests of all the people of the District of Columbia would be just as safe with a Senator elected from the District, if he happened to be in such an important position as chairman of the Committee on the District of Columbia, as they would be in the hands of any Senator elected from elsewhere. If he was elected by any particular interest, as has happened elsewhere, which doubtless has occurred to you, and though the particular interest would be a local interest, as you point out, a Senator so elected who betrayed his trust would be removed, just as a Senator elected from any other place would be removed, by the natural process of the resentment of the people, and I think you would find that resentment would be just as potent in the District as anywhere else. There may be other objections in your mind, in reference to the character of our population, and I will come to that a little bit later.

I was about to put in the record, because it seems to me it is a thing that should be somewhere in this record, a statement by Bryce in his work on the American Commonwealth. It loses its force just a little, because it is somewhat disconnected. This is what he says:

“The District of Columbia is a piece of land set apart to contain the city of Washington, which is the seat of the Federal Government. It is governed by three commissioners appointed by the President, and has no local legislature nor municipal government, the only legislative authority being Congress, in which it is not represented. Being well administered, it is held up by unfriendly critics of democracy as a model of the happy results of an enlightened despotism.”

The CHAIRMAN. I might say, on the question of local government here, that you have a commission form of government in the city, which, in my judgment, is probably the best form there is for a municipality. There is no idea of changing that form of government, either advocated by you or any other speaker I have heard. The only difference between your form and the ordinary commission form of government is that your commissioners are appointed by the President of the United States instead of being appointed by some State official. For that reason I do think that you certainly ought to have the right to vote for President and for Vice President.

Mr. LESH. We need only take the chairman one step further and we will be in entire accord.

Referring now to what has been said in opposition here, another speaker, Mr. Ayers, addressed the committee quite at length with what amounted to a plea that the District of Columbia should accept control by the Nation. As far as the group I represent are concerned, we accept control by the Nation. All that we ask now is that it be recognized that we are a part of the Nation. There is no intention on the part of those who advocate the constitutional amendment to upset the national control of the Nation's capital.

The point was made also that although the Declaration of Independence was an ideal document American practices had not followed it. It was pointed out that we have many forms of government applicable to our insular possessions. All such arguments are quite beside the mark. It may be that having become somewhat of an empire in the last 20 years we have had to adopt somewhat the practices of empires and govern some people without their consent. The fact remains that the District of Columbia is the only place in Continental United States that does not participate in the government of the Nation. There was one class of people pointed out the other day, the Indian, and perhaps other classes, which may have been disfranchised because of certain specific reasons, but the only place in Continental United States where people were disfranchised in the Nation's affairs for geographical reasons is the District of Columbia, and I might say, looking at it from that point of view, I see nothing in the geography or history of the District of Columbia that justifies that exclusion.

It was also said that we are analogous to a military reservation, and we ought to accept the situation. Historically, that is not true. This Capital was put here pursuant to a provision of the Constitution. That particular provision in the Constitution has been so often read here the last few days that I am not inclined to read it as a whole, but I do want to call attention to the fact that this argument we are an arsenal or dockyard, or analogous to them,

to be treated likewise, arises because this District and arsenals, dockyards, etc., are dealt with in the same section of the Constitution. Notice the difference of the language in the first clause in relation to the District of Columbia, which says:

“To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States.”

In the second clause of the section or paragraph it says:

“And to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.”

Something to which the United States holds title.

We were concerned here in the District primarily with the cession of political sovereignty.

And what happened after this Constitution was adopted? The cession of this land was procured from the original proprietors by the exhibition to them of a plan of a city, and the public buildings were very largely erected out of the proceeds of sale of those parcels of the land which were dedicated to public use.

And so far from developing the city in any way analogous to a dockyard, what the President did under authority from Congress was to advertise lots for sale over this country and in foreign countries to induce settlers to come here and make it what Washington by his letter expected it to be—“the greatest commercial emporium in the country.” Its location was put upon the banks of the Potomac, because it was expected there might be a commercial development here. It was not the idea that there would be a development of forts or arsenals or dockyards or military reservations that could be fairly compared with the administration of such a place. Any such argument as that goes out historically, and it must go out if we are to agree with the Supreme Court of the United States in a long line of cases.

The question of what is the status of the District of Columbia is not a new question. I want to call your attention to a couple of quotations from decisions of the Supreme Court of the United States. The question in the first case I refer to was a question you might be concerned with in another branch of this argument, but I do want to call attention to a quotation from the case.

In *Hepburn and Dundas v. Ellzey* (2 Cranch, 445) the question was whether plaintiffs who were residents of the District could sue the defendant, a resident of Virginia, in the Circuit Court of the United States for the district of Virginia under the act giving jurisdiction in cases between the citizen of a State in which the suit is brought and the citizens of another State. The court said:

“On the part of the plaintiffs it has been argued that Columbia is a distinct political society, and is, therefore, ‘a State,’ according to the definition of writers on general law.

“This is true.”

Is that a dockyard, or is it a political society, a unit?

In *Bank of Alexandria v. Dyer* (14 Peters, 141) the question was whether a resident of the county of Alexandria was “beyond the seas” within the meaning of the Maryland act of limitations which excepted persons “beyond the seas.” The court said:

“But the county of Alexandria, in this district, can not be regarded as standing in the same relation to the county of Washington that the States of this Union stand in relation to one another. * * * The same principle must apply when the county of Alexandria has become united with a portion of Maryland, in which this act of limitation is in force, and forms with such portion one political community, united under one government. Such is not the condition of the counties of Washington and Alexandria, which together constitute the Territory of Columbia, and are united under one territorial government. They have been formed by the acts of Congress into one separate political community; and the two counties which compose it resemble different counties in the same State, and do not stand toward one another in the relation of distinct and separate government.”

In the *Metropolitan Railroad v. the District of Columbia* (132 U. S.) the Supreme Court dealt with another question.

The CHAIRMAN. What year was that?

Mr. LESH. That was the One hundred and thirty-second United States. Some of you older lawyers, how far back was that?

Senator KING. In the seventies or eighties.

Mr. LESH. The question involved in that case was whether the District of Columbia was such a municipal corporation as would be subject to the plea of the statute of limitations, and the court in arriving at its conclusion that it was such a municipal corporation said this:

“One argument of the plaintiff’s counsel in this connection is, that the District of Columbia is a separate State or sovereignty according to the definition of writers on public law, being a distinct political society. This position is assented to by Chief Justice Marshall, speaking for this court, in the case of *Hepburn v. Ellzey* (2 Cranch, 445, 452), where the question was whether a citizen of the District could sue in the circuit courts of the United States as a citizen of a State. The court did not deny that the District of Columbia is a State in the sense of being a distinct political community; but held that the word ‘State’ in the Constitution, where it extends the judicial power to cases between citizens of the several ‘States’ refers to the States of the Union. It is undoubtedly true that the District of Columbia is a separate political community in a certain sense, and in that sense may be called a State; but the sovereign power of this qualified State is not lodged in the corporation of the District of Columbia, but in the Government of the United States. Its supreme legislative body is Congress. The subordinate legislative powers of a municipal character which have been or may be lodged in the city corporations, or in the District corporation, do not make those bodies sovereign. Crimes committed in the District are not crimes against the District, but against the United States. Therefore, whilst the District may, in a sense, be called a State, it is such in a very qualified sense.”

Now, that is the expression of the Supreme Court which is more against the view I have presented to you. The view I am presenting is admitted by this quotation—that is, that we are a political organization, a political community, and are not analagous to a dockyard or military reservation.

Senator KING. Is not the right of Congress coextensive with its authority under the power of the Constitution to make any laws or regulations respecting territory belonging to the United States it may choose to, subject to the limitations imposed upon the act of cession of that territory to the Government?

Mr. LESH. In dealing with property of the United States, such as arsenals and dockyards, the power of Congress is absolute. In dealing with the District of Columbia you are dealing not with property owned, but with people, and time and time again the Supreme Court of the United States has said that over the District of Columbia the ordinary constitutional guarantees extend.

Senator KING. You understand that under the power to control territories belonging to the United States the Federal Government exercised control over them and granted organic acts, and that the power of Congress is unlimited in dealing with its territories, except there shall be embodied in its action the spirit of the Constitution of the United States.

Mr. LESH. I am inclined to grant what you say, with this qualification: That when we came to our insular cases and began to deal with Porto Rico, there was a wide difference of opinion. You will remember in that first case there were almost as many opinions as there were members of the Supreme Court. All of them united on just one thing, however, and that was that the expression in regard to the District of Columbia being a political community entitled to rights under the Constitution would be adhered to. They differed widely among themselves as to whether that expression was applicable to Porto Rico or not. Therefore, I say there is a distinct, perhaps not material to me here to-day, between the exclusive power of Congress over the District of Columbia and that power of Congress over a place like Porto Rico. If it were a question of direct taxation there might be a difference, but there is no difference that should cause any Senator on this committee to differ from any view I present, because my only point is that we are a political community and are not analogous in any sense that we are concerned with to dockyards of which the United States holds the fee, even though it happens to be in the same clause of the Constitution.

Senator KING. I think perhaps you would not be in a materially different position from that occupied by Territories, such as Wisconsin Territory, New Mexico Territory, and Utah Territory, before they became States, except there was a cession of territory by Maryland and Virginia, and there may be some limitation there.

We had a treaty with Mexico during the time of Guadalupe Hidalgo, and that imposed upon the Federal Government certain restrictions with respect to the nationals of Mexico who became incorporated into the territory of the United States. There may have been some limitation or qualification of the sovereignty of the United States in dealing with the District of Columbia in the acts of cession by the States of Maryland and Virginia, but aside from that, if there is no limitation or qualification there, it would seem to me that the power of Congress to deal with the District of Columbia would be analogous to its power to deal with its territories. I am not speaking of its insular possessions, but the Northwest Territory, the territory it acquired from Mexico under the treaty with Guadalupe Hidalgo. We incorporated that into Territories, gave them organic acts, but our Supreme Court has held that even though the citizens of those Territories are entitled to the protection of the Bill of Rights contained in the Constitution of the United States, their legislatures may not abolish the right of trial by jury with a unanimous verdict either in criminal cases or civil cases.

So, if I understand your argument, I do not disagree with you, namely, that you are a sort of political entity, and you are entitled to certain political rights, entitled to the protection of the Constitution of the United States; but as to whether you have the right to vote or not, it seems to me that is clearly within the powers of Congress.

Mr. LESH. Absolutely.

Senator KING. That you do not have, by reason of the mere fact that there was a grant of territory, the right to vote.

Mr. LESH. I quite agree with you, and I think everyone with me agrees with you.

Senator KING. Speaking for myself, I would not waste my time discussing the analogy between dockyards and the District of Columbia.

Mr. LESH. I would not either, but for the fact that there was only one speaker in opposition to our proposition, and it is very hard to shoot at nothing. The only speaker spent a large amount of time upon this analogy, and if the committee listened to him I want to answer it.

Senator KING. I want to apologize for not having been present at the previous sessions. I have been on other committees almost constantly and on the floor of the Senate. I regret that I was not here to enjoy the benefit of your argument and presentation, but I shall read the report of the hearings very carefully.

Mr. LESH. There are a few other cases in this same series of cases, so that you will have my thought completely before you.

In *Geofroy v. Riggs* (133 U. S., 258) a question arose whether the District of Columbia was one of "the States of the Union" within the meaning of that term as used in article 7 of the consular convention of February 23, 1853, with France. The court said:

"This article is not happily drawn. It leaves in doubt what is meant by 'States of the Union.' Ordinarily these terms would be held to apply to those political communities exercising various attributes of sovereignty which compose the United States, as distinguished from the organized municipalities known as Territories and the District of Columbia. And yet separate communities, with an independent local government, are often described as States, though the extent of their political sovereignty be limited by relations to a more general government or to other countries. (Halleck on Int. Law, ch. 3, pars. 5, 6, 7.) The term is used in general jurisprudence and by writers on public law as denoting organized political societies with an established government. Within this definition the District of Columbia under the Government of the United States is as much a State as any of those political communities which compose the United States. Were there no other Territory under the Government of the United States, it would not be questioned that the District of Columbia would be a State within the meaning of international law; and it is not perceived that it is any less a State within that meaning because no other States and other Territory are also under the same government."

I did not draw from that any inference that we have the right to vote. Some might misunderstand me and think I meant we had a right to vote. I drew from that only the inference I have stated from these other authorities, that we are a political community and we are to be dealt with as such—a political community composed of people, not a piece of property owned by the United States.

Senator KING. Of course, the word "State" is generic and, as you know, is used by publicists as referring to any political body, even though the right of franchise is denied, or substantially so.

Mr. LESH. Precisely.

Senator KING. It is not tantamount to meaning they have the right of franchise or the right to participate in the political affairs of their own Commonwealth.

Mr. LESH. I did not submit the authority beyond the point I have referred to—that we are in any way analogous to a military reservation. I do not think that argument will hold.

There is another argument or suggestion of an argument that was made by the opposition, and that is with respect to our colored population. When a person argues against suffrage in the District of Columbia upon the broad ground that we have a large colored population, I take it that they are not referring to what might be called the intelligent colored population. They must object to a man as a political unit not merely upon the ground of his color, but upon the lamentable fact that so many persons after the Civil War, and in a lesser degree in later years, were illiterates and shiftless, just exactly the kind of population that you would expect of a race that was held in slavery and recently freed. It is that type of the colored population that that argument must be addressed to. Surely they would not come before the Senate of the United States, which confirmed Robert R. Terrell as justice of the peace and afterwards a judge of the municipal court of the District of Columbia five times, three of which times he was nominated by a Republican President and twice by a Democrat, Woodrow Wilson; and which confirmed other colored men nominated for office in the District of Columbia. It is not that type of colored voters that they are afraid of. It can not be that the Senate is afraid of them, and it is the Senate which must take the entire responsibility, because we did not help elect you, and we did not have anything to do with it. You confirmed Judge Terrell, who, by the way, is an excellent judge, as a judge of our municipal court, before whom I and other lawyers have to practice in the District of Columbia. So it can not be any argument to you that that kind of a voter is dangerous.

So I inquire what are the facts concerning the colored population of the District of Columbia from the point of view of literacy and progress?

The returns as to illiteracy among the colored population in the census of 1910 show that in the District of Columbia it was 13.5, or less than half the corresponding figure for the United States, 30.4, and less than the same percentages for any one of 19 States—Indiana, Missouri, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, and New Mexico.

The percentage of school attendance among the District's colored population, 59.3, is considerably above the corresponding percentage of the United States as a whole, 47.3, and exceeds that of any one of 28 States—New Hampshire, Vermont, New Jersey, Pennsylvania, New York, Illinois, Ohio, Indiana, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Wyoming, New Mexico, Utah, Washington, and Oregon.

Since 1870—and it is our voting in 1870 that is always referred to, because that is the last time we voted—as the successive decennial censuses show, there has been a remarkable increase in school attendance and decrease in illiteracy among the colored population. The proportion attending school increase from about 37.5 per cent of those 5 to 19 years of age in 1870, to 50.3 per cent of those 6 to 20 years of age in 1910. This increase being much more, proportionately, than the corresponding increase for the white population from 53.1 per cent in 1870 to 66.2 per cent in 1910.

It is in the decline of illiteracy, however, that the most striking progress is shown. The percentage of illiterates among colored persons of 10 years of age and over decreased from 70.5 per cent in 1870 to 13.5 per cent in 1910, the latter percentage being less than one-fifth as great as the former. The proportion of improvement in white illiteracy for the same period is just about the same, from 7.3 per cent in 1870 to 1.5 per cent in 1910.

Now, if that does not answer the argument, if there is anyone who will come to you and say, "I don't care whether the colored man is educated or not—I don't care what progress they are making—a community that has a large percentage among their population is not an acceptable voting community," then I do not understand the process of reasoning that leads anyone to that conclusion.

There has been a marked decline in the proportion of the colored population in the whole population in the District of Columbia. It was approximately a third of the total population in 1870, 1880, and in 1890, and is now less than a fourth of the population, and in no one of 11 precincts, according to the most recent police census, did the colored outnumber the whites.

Senator KING. Is not the objection to suffrage more strongly emphasized by the opposition to it for these reasons: First, that the colored people and the large number of Federal employees are without property, and that to confer upon them the control—because together they would probably have control of the District—of this municipality or this District would, perhaps, result in complications and conflicts between the government which they might set up, whether it be municipal or of whatever character it might be, and the United States, and, second, ought not the Government of the United States to have a place where its sovereignty, not only as to unimportant things but things affecting the welfare of the whole scope of the activities of the Government, is unchallenged? It is responsible for this District. It pays a large share of the taxes and will be compelled to pay a large share of the taxes. If you are to have a dual government, an *emperium in imperio*, it is contended that there will necessarily be conflicts, disputes, controversies, that will militate against the progressive development of this city, not only intellectually, not only in a municipal way or governmental way, but from an artistic and esthetic standpoint.

Mr. LESH. For myself and all those that I represent and the gentlemen who are sitting here representing allied organizations, I agree with you absolutely.

Senator KING. I express no opinion. Do not misunderstand me. I am stating opinions that have been expressed by others.

Mr. LESH. We agree with what you have said. We are advocating the submission to the States of a constitutional amendment which will permit us to elect Representatives in the House of Representatives according to our numbers and one or two Senators, as the Congress may determine by the enabling act, and also presidential electors.

Senator KING. You want statehood?

Mr. LESH. We want not quite statehood, though I would have to spend quite a while pointing out the difference—you will find it in the record—between what we propose and statehood. We are not asking for municipal government at all. We are asking that the District of Columbia be made part of the Nation.

Senator KING. You are not even satisfied to be a Territory?

Mr. LESH. Not at all. We are not.

Mr. BRANDENBURG. I would like to say to the Senator that at the last meeting, as chairman of the brief committee of the joint citizens' committee, I went upon record quite fully and clearly that the great body of our citizenship is opposed to any change in the form of the local government, and feel and believe that the best form of government is such as we have through the absolute control by the Federal Government of this municipality.

Mr. LESH. In this discussion of our voting population and its qualifications, this question is really further along. If Congress has the wisdom we believe it has, it will, in the enabling act that comes after the constitutional amendment, insert either a property qualification, a property and educational qualification, or a property or educational qualification, which will eliminate the shiftless, the wandering persons, the persons who ought not to vote. That question will not arise unless we are going to assume that the power of Congress in passing the enabling act will not be wisely exercised.

We have spent a good deal of time upon conditions that are against the granting of suffrage. How about conditions for it, conditions from the point of view of our participation in the Government of the Nation? I think many of you do not appreciate the situation of the voteless subjects of the Nation. It is difficult to imagine that some of you men who enjoy voting privileges, while you may realize in an academic sort of way that we do not participate in the Government of the Nation, that you really appreciate how we feel about it. Take such occasions as this: Up in the City Club we have a weekly forum. Before that forum come men who discuss such measures as the proposed sales tax in substitution for some of the excess profits and other petty taxes. We listen to those men. We even have an humble thought on the subject. After we listen and after we think, a good many of us think this: "What is the use of a resident of the District having any opinion whatsoever upon a national subject? We have no power. Why waste our time thinking about such things? Why not just devote it to chasing the almighty dollar or some other profitable

occupation where we can make our thought effective? We discuss before that same forum such subjects as the future status of the Philippines, free speech on the one hand as against the espionage legislation on the other.

National subjects concern us just as much as they concern you. They may not in dollars and cents. So far as I can discover, they do not take a dollar out of my pocket or put one in. The sales tax would; the Philippine Government might not. But I have as much right as you, in your individual capacity, not in your representative capacity, to have a voice in that and to express my views through my representatives in a national assembly, a real voting representative, in the Senate and in the House. That is a deprivation that I have to suffer which you can hardly appreciate.

Last Friday, a week ago to-day, you men of the Senate and those of the House followed the body of an unknown soldier up the Avenue. Why did you do it? To show respect, in order that the Representative from his district and the Senator from his State might follow him to Arlington. We of the District of Columbia have our unknown dead. How do you know you accomplished what you set out to do? It may be that man came from this jurisdiction that has no Representative in the House nor a Senator. The thing hits we residents of the District almost every day, because we are here in the Nation's Capital. We see the affairs of the Nation go on, and we feel we are separated from them.

The gentlemen in Boston who dumped the tea in the harbor did not put it there for practical reasons. The tax on tea was a small affair. It was the sentiment of the thing. I feel that you men from the States, every day that you deprive us of the right to participate in the Nation's affairs, are doing us an injury. You would not keep anything from us that belonged to us. If you owed us a dollar you would pay it. I feel this is just as important as dollars. I would like, if it were in my power, to make you feel it so clearly that when you would go out to get on a street car and see the street car conductor you would feel ashamed to look at him because you would know you were depriving him of his right as an American citizen by not putting this resolution on its way.

If he does not know, if he does not care or does not feel that deprivation, you have done him a greater injury than if he did feel it. If by reason of the passage of years there are some residents of the District who are so dead to the American spirit that they do not care whether they have representation in the House or in the Senate or have anything to do with the election of President, those men have been done the greatest possible injury. You ought to give that man what he is entitled to. You know it is right, and I know it is right. You know that it is an American heritage that he ought to prize, and if he does not prize it you should give it to him anyhow.

Our real difficulty is in getting attention, getting some one to listen to us. You know how many members there are of this committee. You know how many members come here. You know the members who have come here have given a great deal more attention to this subject than will the other Members of the Senate. Very few are going to read this entire written record. That is our objection to these Delegates and other voteless propositions. They are alternative, gentlemen; you can not get away from it.

There has not been any legislation affecting the District of Columbia since 178—43 years. What legislation you pass to-day, or rather that you report and put on its way to be passed, is going to be legislation for to-day. If it is to be another 43 years before we can get anything else done, gentlemen, I will not and I am sure some of the older gentlemen here at the table will not have any interest in it. As a practical matter, I would not feel that we are being done any more injustice than is usually done when parties are not attending to other person's rights.

If any Senator concludes that "if we give these people the Delegate that will settle it and I can dismiss the matter from my mind for a while," that is what will happen. I flatly dispute the statement made here the other day that the people of the District are willing to accept the Delegate as a compromise. I stated rather clearly what my authority to speak at this meeting for the people of the District is, and I must say that everyone I represent feels that is not an acceptable compromise. It is not a compromise at all; it is a surrender. A Delegate will not give us a vote in the House; he has only a voice. A Delegate will not give us a vote in the Senate, not even a voice in the Senate; no control over the selection of the judiciary, which lies between the President and the Senate; and absolutely no access to the Federal courts. It would be really like coming here and asking for bread and being offered a stone to be told, "We will

give you a Delegate to represent you in the House, and see how that works for a while." If you give us a Delegate you are going to see how that works for a while, and these whiles are too long.

If it be called a step toward real representation, I object to it. We are not following the route that people follow who take those steps first. When they gave a Territory—any western Territory—a Delegate it was considered a step toward statehood. We are never going to arrive at statehood in the District of Columbia. Most of us feel we never will. Statehood means that we would have absolute local self-government. The Capital was put here to avoid being in a State. I don't feel we are ever going to take that step. Then what is the use of taking a primary step to which statehood has been the second step? It is a step that leads nowhere.

If we think of it from that point of view why were Territories given a Delegate first and full statehood afterwards? Because at the time they were given representation by a Delegate they did not have the population and did not have the resources for statehood. Every argument for a Delegate in the District of Columbia is an argument for the immediate passage of our proposition, because we do have the resources, we do have the population. There is no occasion for taking two steps in the District, because the reasons that operated in favor of two steps—lack of resources, the lack of population, the lack of preparation—do not exist in the District of Columbia.

Thirdly, it is easy enough to say theoretically that we will have a Delegate elected by the people of the District of Columbia, but when you come to defining who are those people we find other difficulties, and the framers of these bills had to define who would be the voters of the District of Columbia. The framers of the bill had to exclude those who were voting in the States or those who claimed residence in the States.

Suppose we have an election for Delegate in the District of Columbia, and exclude the voters in the States—the persons who have a vote in the States—who is going to vote at that election? What reasonable man is going to give up the substance for the shadow? Who would surrender his residence in a State to claim a residence here to elect only a Delegate? That means that the portion of our population which consists of persons who either claim residence in those State, or expect to claim one at some time in the future, will not vote in such an election. We would have a showing of our electorate here which would be used as an argument against an election for Senator and Representative. The people would not be very much interested. I am sure I would not. I think, because of my particular interest in the subject matter, I would probably vote, but a good many people would not be enough interested in the election of a Delegate to vote; however, they would if they were electing somebody who had a vote somewhere, who had the power of a vote.

I say that persons who propose a Delegate as a step toward getting representation in the House and Senate, though they are sincere, are mistaken. They are hurting us rather than helping us. It will bring out a test of our voting strength, which will not be our true voting strength in this community, but it will be argued that it was.

As far as those whom I represent are concerned, I will say to you that if you are unfriendly to the proposition to give us representation in the House and the Senate and a voice in electing the President through the constitutional amendment, then do not vote for the Delegate bill, because I think there is real danger in it. There is always a temptation to take the thing you can get—the easy thing.

Senator CAPPER. There are three propositions—the Jones bill, the Poindexter bill, and the bill introduced by myself. If those three measures were submitted to a referendum of the eligible electors here, male and female, what, in your opinion, would be the result? About what percentage of the vote would be cast for the various measures?

Mr. LESH. My opinion, based upon the expression of all organized opinion in the District, is that they would vote overwhelmingly for the Jones resolution. They would vote dividedly upon the Delegate proposition and upon the proposition to elect the commissioners. I think—and I am sure I would do all in my power to bring it about, and the wish is sometimes father to the thought—I think that because those other two propositions would interfere with the getting of the thing that is most valuable to us, which is representation in the House and in the Senate, that the other two should be voted down. Any referendum, however, would present the difficulty of qualified voters, voters from the States. I feel that we should have something that is of real substance.

I have consumed about an hour of the committee's time. If I have anything further to say, I will have to ask you to give me an opportunity on some subsequent day, as the chairman of the joint citizens' committee desires to address you. I do not feel that I have really consumed an entire hour, because a good deal of the time was filled with very instructive and interesting questions. So anything further I have to say I shall hope on some subsequent day to be permitted to do so.

The CHAIRMAN. Very well.

STATEMENT OF EDWIN C. BRANDENBURG, ESQ.

Mr. BRANDENBURG. Mr. Chairman, at a recent meeting you suggested that you wanted something concrete, something to show the real basis for the granting of this right of franchise to the citizens of the District of Columbia. I hope that in the very short time that I shall take I may be able to present some concrete reasons, in addition to those presented by my associate, which will justify you in believing that the Jones bill should become a law.

In the first place, I appear as the spokesman of the citizens' joint committee on national representation for the District of Columbia, and as chairman of its committee on brief, which is an organization supported by the Washington Board of Trade of more than 2,300 members, the Chamber of Commerce with 1,100 members and more, the Federation of Citizens' Associations, comprising substantially all of the local citizens' organizations, the Central Labor Union, Merchants and Manufacturers' Association, City Club, Women's Club, and many other organizations. I also appear as the direct representative of the Washington Board of Trade. These organizations are all united in supporting the Jones bill, which is in all respects similar to the Burrows bill now pending before the House Judiciary Committee. The result is that I represent the views of the people of the city of Washington.

We have listened with interest to each of the arguments presented in support of the Poindexter and Capper bills. Not a word nor argument thus far presented in the least militates against the position which we take in support of the joint resolution of Senator Jones, but, on the contrary, is full and ample support and justification for the enactment into law of that bill. The advocates for a Delegate are not because of choice, but what seems to be of necessity.

This denial of the right of franchise raises by no means a new question. It was agitated early in the last century, and as time passes and the country grows the demand is revived. This deprivation of the right of franchise was responsible for the retrocession to Virginia of that part of the District of Columbia originally ceded to the Federal Government. Alexandria was a part of that territory. In 1846 the citizens of Alexandria in mass meeting adopted the following resolutions:

"That our citizens for a long series of years have been placed in a state of political degradation, and virtually beyond the pale of the Constitution, in having withheld from them the passage of needful and wholesome laws and in being denied the rights and privileges enjoyed by our fellow citizens of the Republic."

And further resolved:

"Then we cherish the highest hopes and have the utmost confidence that the Congress of the United States will break the political shackles which have so long bound us and again elevate us to the rights and privileges of free men by granting retrocession with relief."

In consequence of this unrest and dissatisfaction on the part of the citizens of Virginia, the Federal Government consented that such part of the District as had originally been ceded by Virginia should be returned to that State.

Georgetown, a part of the land within the 10 miles square ceded by the State of Maryland as early as 1803, demanded retrocession of that part of the District to the State of Maryland for the same reason. This demand was repeated for years.

The Jones bill does not advocate statehood, nor are we contending for any such status. The bill as framed simply asks that we be placed in substantially the same status as a Territory, and when Congress subsequently determines that we have reached the stage justifying the granting to us of a right of franchise and the right to representation in Congress, Congress shall then have the power, the same as it now has with reference to the Territories, of granting us the right to participate in the councils of the Nation. While this places us

upon substantially the status of the Territory, it should be with this qualification, that the bill does not give us all of the rights of the States when representation is granted, but simply the right to participate in the councils of the Nation through our chosen representatives. The Jones resolution asks for nothing more and nothing less. It simply amends the Constitution so that when the time arrives Congress may, if it sees fit, grant us these rights guaranteed under the Constitution.

The question may well be asked why we do not seek in the first instance an amendment to the Constitution which when adopted by the States would give us the right of franchise and representation without further action on the part of Congress. While I personally would advocate a bill of that character, still, I defer to the judgment of my associates, many of whom believe that Congress is more likely to pass a resolution in the form now advocated, as it leaves for Congress at a later date, and after the States have acted, to confer the right of franchise substantially in form as in the case of the admission of a Territory.

The CHAIRMAN. I take it that it is your judgment that you should be granted statehood.

Mr. BRANDENBURG. No. I say the question arises as to whether we should ask in the first instance by this resolution that the States shall amend the Constitution to give us the right of franchise.

The CHAIRMAN. You further say it is your personal opinion, but you differ from the opinion of others.

Mr. BRANDENBURG. No; you misunderstand me. I said the question might well be asked why we did not seek in the first instance an amendment to the Constitution which, when adopted by the States, would give us the right of franchise and representation without having to wait for further action on the part of Congress.

The CHAIRMAN. It is your judgment that the government of the District should be taken out of the hands of Congress?

Mr. BRANDENBURG. Not at all.

The CHAIRMAN. It would be when you were granted statehood.

Mr. BRANDENBURG. I did not say "statehood," I said "right of franchise." I mean the direct right of franchise.

The CHAIRMAN. When you have the franchise you have the right to elect your own officers.

Mr. BRANDENBURG. No; we do not want that.

The CHAIRMAN. That is the reason I wanted you to make a specific statement. I would misconstrue your other statement.

Mr. BRANDENBURG. Absolutely not. That is not what we want. We are absolutely opposed to any change in the form of the local government.

Now, let us see whether the District is entitled at the present time to participate in the councils of the Nation through its chosen representatives. We assume that the same consideration in this respect would apply to us as when a Territory knocks at the doors of Congress for admission to statehood privileges.

While Washington thought that the Federal site might at some time in the future become a "commercial emporium," and possibly the greatest in the country, we doubt whether he or his associates, with their wonderful vision as to the future, realized that its population would reach the proportions which it has, particularly when compared with the population of States covering a vast territory.

An examination of the census of the year 1910 discloses the fact that the population of the District of Columbia was 331,069, which exceeded in number Nevada with a population of 91,375; Wyoming, 145,965; Delaware, 202,322; Arizona, 204,364; Idaho, 323,994; and New Mexico, 327,301. The population of the District, therefore, in 1910 was greater than that of any one of six States of the Union, each being represented in the Senate of the United States with two Senators and a representation in the House commensurate with their population.

The CHAIRMAN. Would you reason along the same line that New York City, with a population of 7,000,000, should have separate statehood?

Mr. BRANDENBURG. Not at all. My argument is that when you consider the question of the admission of any Territory into the Union you then considered the question of its population and other qualifications, and I say that so far as the District of Columbia is concerned, it stands in the same status as a Territory.

The CHAIRMAN. I remember hearing the discussion on the question of the admission of the last Territory, and Mr. Lloyd was also in Congress at the time. It was not the population that was so much taken into consideration as it was the character of that population and the possibilities of the future, the number of square miles the Territory contained, and matters of that kind relating to statehood. It was argued for some time against the creation of any smaller States.

Mr. BRANDENBURG. That is true.

The CHAIRMAN. They objected to the smaller States and it always created political troubles. The smaller States had political troubles.

Mr. BRANDENBURG. That is true.

The CHAIRMAN. Fortunately, perhaps, I come from one of those smaller States and I know something about their political troubles. That was the line of argument in the Senate in reference to the admission of the Territories of Arizona and New Mexico to statehood—whether they had the territory and the character of population. You have the population, and the character of population, but you have not the territory for a State.

Mr. BRANDENBURG. That is true; but you do not for a moment contend that the State of Delaware will ever surrender its rights under the Constitution to full representation in Congress any more than any other small State?

The CHAIRMAN. No. Delaware was one of the original 13 States.

Mr. BRANDENBURG. True; but some of the other smaller States were not.

The CHAIRMAN. No; I think all the smaller States were.

Mr. BRANDENBURG. That is true. They all were.

The CHAIRMAN. Rhode Island and Delaware are the small States in area. While others are smaller in population, yet they have a larger area.

Mr. BRANDENBURG. That is true.

Senator CAPPER. What do you think we may expect in the way of increase in population in the District during the next 25 years?

Mr. BRANDENBURG. I think the growth will be equal to what it has been during the last 10 years, if not more.

A like census for the year 1920 shows that the population of the District of Columbia had grown to 437,571, which is greater than the population of any one of the following States, namely, Nevada, 77,407; Wyoming, 194,402; Delaware, 223,003; Arizona, 333,273; Vermont, 352,421, New Mexico, 360,247; and Idaho, 431,826. In addition to the States named, the population of the District, as shown by the same census, was within 8,000 of New Hampshire, which had 443,083, and within 12,000 of Utah, which had a population of 449,446. While from the very earliest we find Presidents of the United States advocating the appointment of a delegate to represent the interests of the District in the Halls of Congress, this recommendation was not due to a lack of appreciation of the rights of the citizens to full voting representation, but simply that at the times of such recommendations the population of the District was insufficient in the minds of the Chief Executives for the time being to justify full representation. These recommendations did, however, constitute a recognition of the fact that our people were deprived of the sacred right of representation guaranteed to all of the people of the United States.

Senator SHEPPARD. What is the population per square mile of the District at present?

Mr. BRANDENBURG. You would have to divide that population of 437,000 by 66 square miles.

Senator SHEPPARD. I just wanted to know if you had it.

Mr. BRANDENBURG. No; I have not it at present.

Senator SHEPPARD. I have just been furnished with figures showing that the District has a population per square mile of 6,630.

The CHAIRMAN. What is the population of New York per square mile?

Mr. AYERS. The Literary Digest of two weeks ago gave the density of population of every State on the first page.

Mr. BRANDENBURG. Now, coming to the question of Federal taxes, many people of the country labor under the impression that the citizens of the District live in that happy realm where no taxes are paid but are subjects of the bounty of Congress. Why this misconception should exist among even people of intelligence is difficult to say. The actual facts are far different from such impression. It is true that our taxes are not divided between State, county, municipality, and for schools and improvements, but a flat assessment is levied, based upon a two-thirds of the actual fair market value of the property, which valuation is determined and ascertained from a personal inspection of the

property, as well as a comparison with the prices of property sold in the immediate neighborhood. While it is frequently said that the rate of taxation is less than in some other localities, we have fully disproved that fact by actual statistics in a hearing before a joint committee appointed by Congress. We pay, therefore, not only the taxes to support the local government, but we also pay the same character of taxes to support the Federal Government. Now, let us consider the amount of Federal taxes paid to the Federal Government by the citizens of the District through internal revenue, including income and corporation taxes, as well as those upon fermented liquors, customs, and other miscellaneous items for the fiscal year ending June 30, 1918. For that year the aggregate paid by the District was \$1,506,699.27, which was greater than similar taxes paid by any one of 20 States of the Union.

The CHAIRMAN. You do not put Delaware in that?

Mr. BRANDENBURG. I will come to Delaware in a moment. For the year ending June 30, 1917, the official records disclose the fact that the citizens of the District paid through the same sources the sum of \$2,666,204.40, which was greater than any one of 19 States of the Union, including the great States of Georgia and of Iowa. It is also a fact that for this year the citizens of the District paid in Federal taxes twice as much as that paid by any one of 14 States and four times as much as 8 States of the Union. For the year ending June 30, 1918, the citizens of the District contributed to the Federal Government, through the same sources of taxes, the sum of \$12,862,474.08. For the year ending June 30, 1919, the District paid to the Government in satisfaction of like taxes the sum of \$18,645,053, which amount was greater than the combined aggregate of similar taxes paid by the States of North Dakota, New Mexico, Nevada, Wyoming, and Vermont. In this connection it is interesting to note that the five States referred to have 18 votes in the upper and lower Houses of Congress, and have the right and the power to participate in determining how these taxes shall be raised and how disbursed, while the District of Columbia has absolutely no voice. The taxes paid to the Federal Government during this year were greater than any one of 15 States of the Union. As bearing out our claim of the injustice to the citizens of the District in denying them the right to have a voice in the levying of these taxes and in their disbursement, we desire to specifically refer to the States paying a less amount of taxes to the Federal Government than the District of Columbia and the number of electoral votes which each State has. This table is as follows:

	Taxes paid.	Electoral votes.		Taxes paid.	Electoral votes.
District of Columbia.....	\$18,645,053	.....	Mississippi.....	\$11,786,386	10
North Dakota.....	3,338,660	5	Arkansas.....	12,556,192	9
New Mexico.....	1,968,009	3	Florida.....	15,623,811	6
Nevada.....	1,297,334	3	South Dakota.....	6,669,794	5
Wyoming.....	4,225,282	3	Montana.....	6,770,257	4
Vermont.....	6,700,148	4	Utah.....	9,595,151	4
Idaho.....	4,963,264	4	New Hampshire.....	14,709,318	4
Alabama.....	18,435,952	12	Arizona.....	6,597,515	3

On the basis of taxation, therefore, we submit that the citizens of the District have an undoubted right to demand a voice in the Halls of Congress.

Strange it is that although the people of the District are denied those rights which are conducive to patriotism, the fact remains that when this great country of ours finds itself involved in controversy and war, that our people take a second place to none of the States in offering its sons to fight its cause.

In the Civil War the District of Columbia sent 16,534 men to the front. According to Government records, the District's proportion of man power was 0.35 per cent of the estimated loyal population of the country, as ascertained by the census of 1860, while as a matter of fact it actually sent into the service 0.62 per cent of a number about four-fifths greater than its share.

In the Spanish War the same records disclose the fact that according to the census of 1900, the proportion of the man power of the District when compared with the United States as a whole should be 0.37 per cent, whereas it was actually credited with 0.46 per cent or a number about one-fourth greater than the number properly chargeable against the District.

In the World War the record for the District is an enviable one. The total voluntary enlistments in the Army, Navy, and Marine Corps was 8,314, which

was greater in number than the States of Nevada, Delaware, Arizona, Wyoming, Vermont, New Mexico, and New Hampshire, and only a trifle less than three other States. The number of men inducted into the Army in the first and second registration was 9,631, making a total number of men entering the service of the Government 17,945.

The proportion which the voluntary enlistments bear to the total number of enlistments and inductions by way of registration was greater for the District of Columbia than for every State of the Union except Rhode Island, Oregon, Washington, California, and Maine, and more than one-third greater than the percentage for the country as a whole.

The very idea that a democratic government can declare war and call our sons into the service either voluntarily or by compulsion without a voice either in the election of the President or Vice President or in Congress is repugnant to every sense of decency and justice. Surprising it is that the citizens of the District have not long since rebelled against the existence of this anomalous condition. As stated by a distinguished Senator several years ago at a public gathering that the people of his State never for a moment would tolerate such a condition, but in a body would have marched to the Halls of Congress and demanded the right of representation.

The CHAIRMAN. You refer to a "democratic government." We do not class this as a democratic government. We call it a Republican representative government.

Mr. BRANDENBURG. Then, let me substitute the word "Republican" for "Democratic."

The CHAIRMAN. I wish you would do that, for I think that distinction should be made.

Mr. BRANDENBURG. Very good. I shall take very great pleasure in changing that, Mr. Chairman.

Now, coming to Liberty bonds, the District has not only contributed by its manhood in the defense in every war in which the United States has been involved, but has with the greatest liberality contributed in raising money to carry on these wars.

I would like to have you give special attention to this.

The CHAIRMAN. I am giving attention to everything you say. Before you make that statement I want to recite one little incident that occurred. I was in Washington on business during the war and had to stay over during the night. I went to the theater, not being occupied that night. They raised a large amount that night—I do not remember how many thousand dollars—and I doubt whether any of that money was contributed by citizens of Washington.

Mr. BRANDENBURG. Why didn't Delaware do the same thing?

The CHAIRMAN. Delaware does not have the influx of population from other States.

Mr. BRANDENBURG. You do not blame us for it.

The CHAIRMAN. No; I do not blame you for it, but it can not be argued that it was all given by the citizens of Washington. I made a contribution. I could not help it. Everybody did. We had to.

Mr. BRANDENBURG. The fact remains that we did it.

The CHAIRMAN. You did your duty. I want you to understand that. But those figures do not represent amounts given by the citizens of Washington.

Mr. BRANDENBURG. That may be true, Mr. Chairman. That may be true; but it was the result of the work of the citizens of Washington that it was done.

Senator SHEPPARD. You are undoubtedly entitled to credit for having gotten those subscriptions.

Mr. BRANDENBURG. I think so, Senator.

The CHAIRMAN. I am not taking any credit from you.

Mr. BRANDENBURG. Anyhow, we raised the money, and we got it, and we feel very proud of it.

The CHAIRMAN. You spoke of Delaware not doing her part in raising money and sending people abroad.

Mr. BRANDENBURG. Delaware did her part.

The CHAIRMAN. Of course, we have a number of wealthy people there. We had four people who paid \$4,000,000 in 1919.

Mr. BRANDENBURG. Delaware was not on the list. The amount assigned to the District as its quota of the first Liberty loan was \$10,000,000, whereas its people actually subscribed, or raised, if you please, Mr. Chairman, \$19,261,400.

This makes a per capita subscription by the District of \$52.50, which is nearly four-fifths greater than for the country as a whole, which was only \$29.29, and exceeded that for each of the 12 Federal reserve districts except the second, which includes New York.

The quota for the District on the second Liberty loan amounted to \$20,000,000, while its people actually subscribed \$22,857,050, a per capita subscription of \$57.73, against \$44.55 for the United States as a whole.

On the third Liberty loan the quota for the District was \$12,870,000, while its people actually subscribed \$25,992,250. This makes a per capita subscription of \$64.98, against \$40.13 for the United States at large. This per capita subscription was considerably in excess of that for each of the Federal reserve districts except the second, which includes the State of New York. Our subscriptions on this loan were greater than any one of 18 States—namely, Alabama, Arizona, Arkansas, Delaware, Florida, Idaho, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, Utah, Vermont, and Wyoming. It is an interesting fact that in this loan the percentage of the population of the District who subscribed was greater than any one of the 48 States, and was about twice as great as the percentage of the country as a whole which ranged from \$29.07 from Iowa to \$3.36 for North Carolina.

On the fourth Liberty loan the quota for the District was \$27,608,000, while the subscriptions of its people amounted to \$51,262,100, or a per capita subscription of \$127.61, as against \$65.94 for the United States as a whole. I guess this is where they caught you, Mr. Chairman. In this loan the subscriptions of the District were greater than that subscribed in any one of 23 States—namely, Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Idaho, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Utah, Vermont, and Wyoming. The number of subscribers in the District was greater than any one of 25 States. According to the Treasury Department, the proportion of the population who subscribed to this loan was 65.8 per cent, which was much greater than any one of the 48 States and about three times as great as the corresponding percentages for the entire United States, which was 21.98.

Of the war savings, the official records at the close of the year 1918 show that the per capita subscriptions for the District was \$15.93, while West Virginia followed with \$11.35, North Carolina \$8.66, Virginia \$6.50, and Maryland \$5.98. These figures, of course, relate solely to the fifth Federal reserve district in which the District is located.

Now, let us consider the amount of postal revenue. Ignoring entirely the fact that three-fourths of the matter handled by the local post-office officials is franked, and from which no revenue is derived by the Government, we find that the receipts for the District of Columbia for the year ending June 30, 1918, were \$3,085,193.12, which was greater than the aggregate receipts from all of the post offices in any one of the following States, namely: Arizona, Arkansas, Delaware, Florida, Idaho, Maine, Mississippi, Montana, New Hampshire, New Mexico, Nevada, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, West Virginia, and Wyoming. The amount paid the local office was greater than the aggregate receipts of all of the post offices in Delaware, Nevada, New Mexico, and Wyoming combined, which amounted to the sum of \$2,897,047.05.

The citizens of Washington appreciate the time and attention that individual Members of Congress have in times past given District affairs. We feel that we have been treated fairly, but it stands to reason that with the growth of the country and the increase of the constituency of the members of the House as well as of the Senate, that they can not individually devote the consideration and attention to District affairs that the rights of nearly a half a million people demand. The demand upon their time and to look after the interests of their own constituents leaves but little or none for the interests of the people of the District. This is natural, and of which we can not complain. Anything they may do for the District will hardly enure to their benefit with their home people.

Every law for the regulation and government of the people of the District must first be proposed in and adopted by Congress before it can be enforced. Every street or alley to be widened or eliminated, every item of expense for the maintenance of police, fire, or any other department of the local govern-

ment must be authorized by Congress. Congress must declare what is an offense or crime. It regulates the operation of public utilities, it must authorize the use of the streets and parks for public demonstrations. Indeed, nothing can be done except with the approval of Congress. This being true, it is necessary that representation be provided in both Houses, who will not only have an intimate knowledge of the facts but able to follow up their convictions by a vote. Under existing conditions when any of our civic organizations, or others having the welfare of the community at heart, desire to have a bridge replaced or repaired, to develop its water power, or desire the enactment into law of some humane provision for the care of mental incompetents, the construction of a school, the creation of parks or reservoirs, or indeed anything affecting the welfare of the District, we must seek the good offices of some Member of Congress, with no particular interest in the District, to introduce a bill, and then by personal solicitation, and often at great inconvenience and sacrifice to the Member, endeavor to enlist his support in a matter of no particular interest to his constituents at home. There is no Member of Congress to whom the District may appeal as a matter of right to father any piece of legislation for its welfare, with the result that time and again its rights have been denied.

As early as 1830 President Andrew Jackson recognized these difficulties and made the following recommendation to Congress, which he repeated several times thereafter:

“Independently of the difficulty of inducing the Representatives of distant States to turn their attention to projects or laws which are not of the highest interest to their constituents, they are not individually nor in Congress collectively well qualified to legislate over the local concerns of this District. Consequently its interests are much neglected and the people are almost afraid to present their grievances lest a body in which they are not represented, and which feels little sympathy in their local relations, would in its attempt to make laws for them do more harm than good. * * * Is it not just to allow them at least a Delegate to Congress, if not a local legislature to make laws for the District, subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution.”

If, therefore, representation in the Senate and House is provided for the District, we submit that while in the first place it does no more than to extend a right and privilege guaranteed to every citizen under the Constitution, it will offer relief and lighten the burden and labors of the Members of Congress and enable them to better exercise the power of “exclusive jurisdiction, including taxation and the expenditure of public funds.”

Now, of course, President Jackson was referring to a condition and time which were entirely different from to-day, and we feel very confident that the same conditions existed at that time, in 1830, when he sent that message time and time again to Congress, he would have recommended something along the line which we are now advocating.

The CHAIRMAN. Do you think the affairs of the District are neglected by Members of Congress?

Mr. BRANDENBURG. No. Those of us who have been more intimately connected with it think the contrary.

The CHAIRMAN. Do you think any Member of the House or Senate refuses to take up affairs of the District just as earnestly and conscientiously as those of his own State?

Mr. BRANDENBURG. No. As I said before, we feel that Congress has been more than fair to us; but at the same time, Mr. Chairman, when we go to you or to anybody else to follow a piece of legislation for the District we realize full well that you have the interests of your own constituency at home, and that your time and attention must be devoted to their affairs, and you have not the time to give to us that attention.

The CHAIRMAN. My dear man, get that out of your system. We are here to legislate for the Government, which is superior, in my judgment, to any State. The Government has control of this District. It is not a city belonging to the citizens of Washington. It is a national city. I am just as proud, and every Member of Congress is just as proud, of the city of Washington as any resident of Washington can be. We will do just as much for Washington; we are just as proud when we accomplish anything good for Washington as you are. I have just the same interest here that you have. You may have some financial interest that I have not, but so far as civic pride is concerned,

so far as love of good government is concerned, and so far as everything that elevates the citizenship of Washington is concerned, the members of this committee and the Members of Congress have just as much at heart as you have.

Mr. BRANDENBURG. Mr. Chairman, it is because men of your caliber and your inclination are willing to make sacrifices that we have been as fortunate as we have in times past. And yet, if you will permit just for a moment to speak without any desire to reflect, here is a matter affecting an amendment of the Constitution of the United States, directly affecting half a million people; here is a great committee, and with only three or four of you gentlemen that have time enough to come out and sit and listen to our arguments. So that I say we are indebted to you for the interest which you gentlemen have, and your willingness to give your attention to these matters.

Under the Constitution, as interpreted by the Supreme Court of the United States, we are to-day denied the same rights in a United States court that are guaranteed to citizens of the States, or for that matter, even to an alien. Under Article III of the Constitution defining the judicial powers, a citizen of one State may sue a citizen of another State in a United States court on the ground of diversity of citizenship, or if such nonresident is sued in a State court, he has the right to remove the same into the Federal court. This is a most valuable right and so recognized throughout the country. This provision of the Constitution, however, as construed by the Supreme Court of the United States, denied the same right to the citizens of the District. While the Supreme Court has held that for the purpose of direct taxation the District is a State, for other purposes it is not.

The amendment of the Constitution proposed in the Jones bill gives us the same right in this regard as the citizens of any of the States. Is it possible that any argument can be found to support a continuance of the present discrimination between citizens of the District and the States so far as rights in the United States courts are concerned? As the law is now interpreted we have even less rights than an alien, because under the Constitution an alien may enter the United States courts. Before this right can be granted a citizen of the District of Columbia, the Constitution must be amended as set forth in the Jones resolution.

Why should we, the citizens of the District of Columbia, be denied the right to vote for the President and Vice President? Why should we be denied the right to speak through our chosen Representatives in the House and Senate as to the manner in which we shall be taxed and as to the disposition of those taxes? Why should we not be permitted through our chosen Representative in Congress and the President of the United States to say whether we should go to war or remain at peace? Why should we not have the right to participate in the councils of the Government to determine whether our sons shall be taken from our homes to be offered up as a sacrifice in contests as to which we have had no say? To none of these questions can a satisfactory answer be given. The very theory of the Government is that we were born free and equal. The American colonists in the Bill of Rights proclaimed to the British Government through formal resolution "That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative councils." This was followed by the Declaration of Independence, which declares:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights Governments are instituted among men, deriving their just powers from the consent of the governed."

While it will be observed that the declaration declares that government derive their just powers from the consent of the governed, that condition does not exist in the District of Columbia, nor would it exist by the giving to us of a voteless delegate. Our people have asked for bread and we are now offered a stone.

It is a singular fact that of all the Governments of the world the United States is the only one which denies to the people of its Capital the same national representation enjoyed by the people of the other cities. The three nations who have copied out constitutional provision for a national capital in a federal district controlled by the nation are Argentina, Brazil, and Mexico. Notwithstanding this control by the nation, they have found no difficulty in giving full national representation to the people residing in their capitals.

In conclusion, therefore, we submit that as we ask no change in the local form of Government, no sound objection can be advanced for refusal to enact into law and submit to the States the Jones resolution. Our population justifies it, the amount of taxes paid in support of the Federal Government more than justifies it. The character and education of our people, their loyalty and support of the Government through Liberty loans and contribution of man power in the defense of the Nation, should constrain Congress without hesitation to enact into law the Jones resolution and grant to us the full rights of citizenship, and with a representation in both Houses of Congress equal to that granted to the several States. In all justice and fairness, there should be no place in the United States, of all nations, where it can be said that any of its people are subject to taxation without representation. Our people will no longer remain silent, but are now demanding through every organization in this city that our rights be recognized. In the language of the resolution adopted by the citizens of Alexandria in 1846, at the time of the retrocession to Virginia of the part of the District granted to the Federal Government: "We cherish the highest hopes and have the utmost confidence, that the Congress of the United States will break the political shackles which have so long bound us, and again elevate us to the rights and privileges of freedom by granting" not retrogression with relief as requested by them in that resolution, but the full rights guaranteed to every American citizen.

The CHAIRMAN. On what basis do you ask for representation in the two Houses.

Mr. BRANDENBURG. We feel we are entitled to the same representation in the House, in accordance with the population, that is guaranteed to the States. We are putting it up to the Congress of the United States as to whether they shall give us one Senator or two Senators. That matter was carefully debated and considered as to whether we should ask in the first place for two Senators. We reached the conclusion, with full knowledge of the attitude of the Senate of the United States with reference to the small States, that that was a matter that should be left to the Congress of the United States after the people have once acted.

Now, Mr. Chairman, I want to refer to some resolutions and to read them to the committee. I want to read first a resolution adopted by the Washington Board of Trade on January 10, 1921, as follows:

"To the Congress of the United States:

"Your petitioners respectfully represent the 437,000 Americans of the District of Columbia constituted the only community in all the expanse of the continental United States—populous, intelligent, public spirited, of adequate resources—which is denied representation in the National Government.

"National representation is a distinctive basic right of the American citizen—in a Government of the people, by the people, for the people—in a Government which roots its justice in consent of the governed—in a representative Government, which inseparably couples taxation and arms bearing as a soldier with representation.

"Since the 437,000 Americans of the District pay national taxes, obey the national laws, and go to war in the Nation's defense, they are entitled on American principles to be represented in the National Government which taxes them, which makes all laws for them, and which sends them to war.

"In recognition and reaffirmation of the above-stated American principle we urge most earnestly the approval by Congress of House joint resolution No. 11, House joint resolution No. 32, and Senate joint resolution No. 52, proposing in identical terms a constitutional amendment empowering Congress to grant representation in House, Senate, and Electoral College to residents of the District of Columbia.

"Respectfully, yours,

"Thomas Bradley, president; E. C. Graham, first vice president; E. F. Colladay, second vice president; J. Harry Cunningham, secretary; Theodore W. Noyes (chairman), Frank Sprigg Perry, Frank J. Hogan, W. B. Westlake, M. E. Ailes, Walter A. Brown, W. T. Galliher, Paul E. Lesh, C. J. Gockeler, Charles F. Crane, E. C. Brandenburg, Odell S. Smith, John Joy Edson, R. L. Neuhauer, committee on national representation."

I now desire to offer to the committee an identical resolution adopted by the Washington Chamber of Commerce, signed by Robert N. Harper, president Washington Chamber of Commerce; A. E. Seymour, secretary; Albert Schul-

teis chairman; A. Leftwich Sinclair, E. C. Graham, Theodore W. Noyes, Robt. N. Harper, James F. Oyster, Henry H. Glassie, Chapin Brown, Geo. C. Siebold, representatives on joint suffrage committee.

I also wish to offer an identical resolution adopted by the Federation of Citizens' Associations, signed by W. B. Westlake, president; Leland T. Atherton, secretary; Jesse C. Suter, chairman committee on Federal relations and civic betterment.

I wish to offer an identical resolution adopted by the Central Labor Union on January 10, 1921, signed by N. A. James, president; Chas. Frazier, secretary; John B. Colpoys chairman suffrage committee.

I now desire to offer an identical resolution adopted January 11, 1921, by the Association of the Oldest Inhabitants of the District of Columbia, signed by Theodore W. Noyes, president; Charles S. Bundy, vice president; Henry I. Bryan, vice president; Benjamin W. Reiss, recording secretary; John B. McCarthy, corresponding secretary; B. W. Summy, M. D., treasurer; John R. Mahoney, financial secretary; Matthew Trimble, marshal; Geo. W. Evans, historian; committee on national representation, Washington Topham, chairman; James F. Oyster, G. W. Moses, Allen C. Clark, William Tindall, John Clagett Proctor.

I also want to offer an identical resolution adopted by the subcommittee in political organizations of the citizens' joint committee, signed by W. T. Galliher, E. H. Colladay, Robt. N. Harper, R. P. Andrews.

The next is an identical resolution adopted by the Washington section of the Progressive Education Association, signed by May Libbey, chairman.

Then there is an identical resolution adopted by the District of Columbia Congress of Mothers and Parent-Teacher Association, signed by Mrs. Giles Scott Rafter, president.

I next wish to offer an identical resolution adopted by the Women's Bar Association of the District of Columbia, signed by Ida May Moyers, president.

The next resolution is an identical one adopted by the Washington Real Estate Board on January 10, 1921, signed by Washington Real Estate Board, H. L. Rust, president; J. C. Weedon, vice president; John A. Petty, secretary.

Then there is an identical resolution adopted by the Twentieth Century Club on January 3, 1921, signed by Mabel G. Swormstedt, president.

I also wish to offer an identical resolution adopted by the Women's City Club, signed by Mary O'Toole, president; Marie R. Saunders, recording secretary; Grace Ross Chamberlain, first vice president; Sara P. Grogan, corresponding secretary; Mrs. George W. Eastment, second vice president; Florence F. Stiles, secretary suffrage committee; Mrs. Kate Lunholm Abrams, Ethel M. Parks, Mrs. Frank Hiram Snell.

I also wish to read the report of a special committee of the Washington Board of Trade on the political status of residents of the District of Columbia, which was adopted unanimously by the Board of Trade on April 24, 1916:

"The United States under the Constitution was, like all Gaul, divided into three parts: (1) States; (2) territory belonging to the United States (incipient States); and (3) the seat of the Government of the United States.

"(1) The Constitution itself defines indirectly the status of the citizen of a State and suggests his privileges, immunities, and obligations.

"(2) The Constitution gives to Congress the power to admit new States, carved out of the territory belonging to the United States, and to make all needful regulations respecting this territory before its people have been thus promoted by Congress to the status of citizens of a State.

"(3) The Constitution (Art. I, sec. 8) creates a third subdivision which is neither a State nor Territory awaiting statehood. This subdivision is 'such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States,' in respect to which Congress has the power to exercise exclusive legislation.

"The Constitution does not define the political status of the future population of 'such district,' and it does not explicitly and undeniably give the power to Congress to define or change this status so that it shall approximate gradually the status of the citizens of a State.

"IN STATUS LESS THAN ALIENS.

"It has resulted from this unintentional omission or oversight that the residents of 'such district' have a standing as suitors in the courts of the United States which the Supreme Court has said is less than that of aliens, and

relation to participation in national legislation and presidential elections which is the same as that of aliens.

“It was not intended that ‘such district’ should remain uninhabited. The United States advertised its Washington lots for sale not only in the Republic but in Europe, and attracted settlers and lot purchasers here by glowing assurances. George Washington predicted that the Capital’s population would in a century be certainly exceeded only by that of London. It was not intended that these inhabitants should be from any point of view permanently aliens.

“It was not intended that the people of the Capital should forever remain politically outside of the United States, no matter what the number and character of the population. Sympathetic commiseration of the District’s lack of national representation has been expressed in Congress and the White House at intervals from 1800 down to the present day.

“When it had only the population and resources which entitled its people to the nominal representation of a Territorial Delegate, a voteless legislative agent, in the House (not contemplated by the Constitution), that representation was vigorously urged by President Jackson, was heartily seconded by President Johnson, and was given under President Grant.

“DISTRICT NATIONAL REPRESENTATION.

“The words of these Presidents and of a long series of national legislators and other statesmen, who argued forcibly and convincingly for Territorial representation for the few residents of the District in their time, are to-day equally sound and convincing arguments for full national representation for the present District. In 1917 genuine and equitable American representation for the residents of the seat of the government approximates their status to that of citizens of a State and not of a Territory. A voteless, almost negligible, Territorial Delegate is obviously inadequate.

“The seat of government of the United States now has an intelligent, American, public-spirited population exceeding those in 1910 (the latest national census) of six of the States—Nevada, Wyoming, Delaware, Arizona, Idaho, and New Mexico. Its population then was 331,069. It is estimated now to exceed 360,000. The population represented under the latest apportionment by each Representative in the House is 212,407.

“The time has now come when the Nation should by constitutional amendment either give direct to the residents of the seat of government the status of citizens of a State, for the purposes of national representation only, or should at least give to Congress the power to declare, in its discretion, when they shall have this status to the extent of enjoying this national representation.

“APPROVE CHAMBERLAIN AMENDMENT.

“We heartily approve the Chamberlain amendment (S. J. Res. 32), which, retaining full and exclusive control of the Nation’s city by the Nation through Congress, for the purpose of national representation only gives the residents of the District the status of citizens of a State and entitles them to Senators, Representatives, and presidential electors. We urge that the District committee of the Senate report this resolution favorably at an early day and that Congress promptly approve it and submit it to the State legislatures.

“If, however, this resolution is to be held in committee for further consideration and possible amendment, we suggest that the status of citizens of a State be given to residents of the District not only for the purpose of representation in Congress and the Electoral College, but for the purpose of suing and being sued in the courts of the United States under the provisions of Article III, section 2. The insertion of a very few words in the first section of the proposed amendment would accomplish what is sought. Thus insert in Senate joint resolution No. 32, after the words ‘Vice President,’ in section 1 the words ‘and for the purpose of suing and being sued in the courts of the United States under the provisions of Article III, section 2.’

“If Congress will submit to the State legislatures the proposed constitutional amendment giving to the District, as part of its national representation, two Senators, we heartily favor this course. We believe that the District is equitably entitled two Senators. But if that provision holds back the constitutional amendment and the Senate will grant at this time only one Senator, then we assent to and urge such amendment of Senate joint resolution No. 32 as will harmonize it on this point with the proposed constitutional amendment

submitted by Senator Henry W. Blair in 1888, and subsequent years, which proposed only one Senator for the District. This representation was suggested and ably advanced in pamphlet discussion by A. B. Woodward as early as 1800.

“Finally, if Congress finds itself unwilling to grant at this time, directly, through the Constitution either one or two Senators to the District, we urge that the Constitution be amended so as to give to Congress the power to grant this representation when in its judgment the conditions entitling the District to this status and this representation have been met.

“ANOTHER CONSTITUTIONAL AMENDMENT.

“In other words, amend the Constitution of the United States by inserting at the end of section 3, Article IV, the following words:

“The Congress shall have power to admit to the status of citizens of a State the residents of the District constituting the seat of the government of the United States created by Article I, section 8, for the purpose of representation in the Congress and among the electors of President and Vice President and for the purpose of suing and being sued in the courts of the United States under the provisions of Article III, section 2.

“When Congress shall exercise this power the residents of such District shall be entitled to elect one or two Senators, as determined by the Congress, Representatives in the House according to their numbers as determined by the decennial enumeration, and presidential electors equal in number to their aggregate representation in the House and Senate.

“The Congress shall provide by law the qualifications of voters and the time and manner of choosing the Senator or Senators, the Representative or Representatives, and the electors herein authorized.

“The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing power.’

“This provision giving Congress power to grant representation to the residents of the seat of Government (in respect to whom it has already the power to exercise exclusive legislation) is appropriately inserted at the end of section 3, Article IV, which gives to Congress power to admit new States and to make all needful regulations respecting the territory belonging to the United States from which these new States are carved. It is under this section that new Senators, Representatives, and Territorial Delegates come to the Capital. As we have seen, the three political subdivisions of the United States under the Constitution are States, Territories (incipient States), and the District constituting the seat of Government of the United States. When our proposed amendment is adopted this section will be rounded out and perfected, and the power of Congress in respect to national representation will be equitably extended to all three of the parts into which the United States was thus in the beginning in effect divided.

“Our frankly avowed purpose in offering this alternative proposition is to secure quick congressional action upon a constitutional amendment which can at this session successfully run the gauntlet of the requirement of a two-thirds congressional vote and at the same time constitute a practical and substantial advance toward the goal of real national representation for the District.

“THE PSYCHOLOGICAL MOMENT.

“We think this is the psychological moment when the relations of the Capital and Nation, both financial and political, are under earnest, thoughtful, intelligent, and sympathetic consideration to provide for Americanizing the Americans living at the American seat of Government.

“Our alternative amendment does not directly and immediately give to Washingtonians national representation, but it takes that vital privilege from inaccessibility and places it within reach. After its adoption only a majority vote of Congress will be required to do equity in this matter, whereas now a two-thirds vote of Congress and a three-fourths vote of the State legislatures are necessary.

“We emphasize the fact that the sole effect of both proposed constitutional amendments is to remedy an acknowledged evil and to do equity by declaring or empowering Congress to declare the political and judicial status of the residents of the seat of Government.

"All of the controverted issues concerning the make-up of the local electorate, the qualification of voters, and the form of local government upon which Washingtonians radically differ are postponed; to be decided by the majority vote of Congress after the great and vital question of the constitutional status of the Washingtonian has been answered.

"NO STRIFE-BREEDING FEATURES.

"Our proposition is so stripped of every strife-breeding feature and so centered upon a single principle of undeniable equity that all of Washington can and should enthusiastically get behind it and put it to success. It is so worded as to reduce to a minimum opposition to its immediate passage in Congress. Our legislators may reasonably be expected to favor this just enactment.

"Strict constructionists of the Constitution should not be opposed to this amendment. Any amendment of the Constitution is forbidden which shall deprive a State, without its consent, of its equal suffrage in the Senate. Delaware and Rhode Island must always have in the Senate equal representation with New York. But enlargement of the Senate by admission of a new State with two Senators does not violate this prohibition, and the admission of one or two Senators to represent the seat of government would not have this effect. If the seat of government were allowed only one Senator, the disparaging inequality of suffrage would exist only in respect to it and not to any State. No State would in this event, without its consent, be deprived of equal suffrage in the Senate. The fact that the seat of government is not a State would be emphasized by limiting it to a single Senator. And if it were construed in this connection and for this purpose as a State its deprivation of equal suffrage in the Senate would be with its consent.

"APPEAL FOR UNITED ACTION.

"The appeal for harmonious local cooperation in this connection is irresistible. It is immaterial what form of local government we prefer, or what qualifications for voters we favor, whether we are for or against a voteless Delegate in the House, whether we are for or against votes for women, whether we are for or against the organic act of 1878—whether we are Democrats or Republicans, Progressives or Conservatives.

"We are all for Washington and for justice to the Washingtonian.

"Who is there in all the world who does not think that the 360,000 Americans in the seat of Government of the United States are entitled to representation in the legislature which alone makes laws for them and taxes them and may send every man of them to war, perhaps to be wounded or killed? Who contends that these 360,000 Americans are not as intelligent, as patriotic, as public-spirited, as American, in short, as the same number of Americans anywhere else in the United States, or as the smaller number of Americans collected in six of the States?

"What new State has ever been admitted to the Union which at the time of admission had so large, so intelligent, and so thoroughly American a population as the District? What new State at the time of admission, measured as to its taxable resources, was raising so much in local taxes, and contributing so much in national taxes, as the District of Columbia? The District today is contributing in national taxes, to be disbursed by a legislature in which it is not represented, a greater amount absolutely than 22 of the States and a greater amount per capita than 36 of the States.

"STATEHOOD NOT DEMANDED.

"Though the District can make this showing of fitness for admission to the Union as a sovereign State, no demand for such admission is presented. Our proposed legislation confirms the national control of the Nation's city and the exclusive legislation clause of the Constitution is untouched.

"All that is asked is that the Constitution announce or empower Congress to declare that residents of the seat of government are on the same footing as citizens of the States in relation only to Congress, the Electoral College, and the court of the United States.

"This action, though it will Americanize a community, now politically alien, which is larger than Minneapolis, and will enlarge and empower Congress to

enlarge the basis of congressional representation, does not bring into the Union a new sovereign State.

“Surely Congress will not quibble or delay in cooperating to secure by constitutional amendment the power to cure the evil and shame of completely non-representative government in the seat of Government of the great representative Republic. The injury to the Nation from this condition is as great as that inflicted upon the de-Americanized community. The national shame is the greater.

“ IS THE NATION IMPOTENT ?

“It is sometimes suggested that the Nation is impotent to cure this evil and this shame—that the conditions are unchangeable.

“This suggestion is an insult to American character and capacity. No other capital of any other nation is degraded below other cities in national representation. No excuse is found in the fact that our capital is in a nation-controlled district. Mexico and Brazil and Argentina have copied this feature of the Constitution. As nations they control, like the United States, Federal districts in which their capitals are located, but they have not found themselves impotent to give full national representation to the residents of these capitals.

“Is Washington in some way defective or tainted and unfit to stand on the same representative footing as Buenos Aires, Rio, or Mexico City?

“Is the American Republic less devoted to the principles of representative government and less capable of enforcing them than Argentina, Brazil, or Mexico?

“Who will confess permanent national impotency to free residents of the seat of government from the class of defective and delinquent Americans? Or to rid the Nation itself of a canker at the heart of the body politic, collecting alien matter, and threatening blood poisoning?

“Let us all, as members of the board of trade and as good Washingtonians, get together, even at some sacrifice of personal prejudice, and make an irresistible, because united, appeal for the correction by Congress and the Nation of this obvious injustice and injury.”

I would like to present to the committee a copy of our brief on national representation and would like to have it incorporated in the record

(The document referred to is here printed in full, as follows:)

NATIONAL REPRESENTATION FOR THE RESIDENTS OF THE NATIONAL CAPITAL IN CONGRESS AND THE ELECTORAL COLLEGE WITH ACCESS TO THE FEDERAL COURTS.

I. The people of the District of Columbia, if qualified, as they are, by numbers, resources, intelligence, and patriotic character, should have voting representation in Congress, which taxes and legislates for them, and in the election of the President of the United States who appoints their executive officers and judges (and also the right to sue and be sued in the Federal courts), and this national representation for the national capital always claimed, was omitted from the Constitution, not denied by it, and deferred by circumstances until the time for it should be ripe.

WHAT WE ASK AS OUR RIGHT.

We ask national representation for the people of the national capital. As the first step necessary, under the Constitution of the United States, we ask Congress to allow the people of the country to say whether Congress shall be empowered, by an amendment of the Constitution, to give residents of the District of Columbia representation in the electoral college and the Senate and House of Representatives of the United States, and also the right to sue and be sued in the Courts of the United States, in view of a decision of the Supreme Court denying that right. (*Hepburn v. Ellzey*, 2 Cranch, 445.) No change is proposed in the absolute control of the national capital by Congress, nor in the local government of the District of Columbia.

There is general agreement among the residents of the District of Columbia in favor of national representation, but there is no such agreement upon other questions involving a proposed grant of the elective franchise. We urge the adoption of the proposition upon which we are united and defer those upon which we are not united.

The joint resolution embodying the proposition we advocate was introduced at the first session of the Sixty-sixth Congress in the House of Representatives by Mr. Burroughs of New Hampshire and Mr. Olney of Massachusetts, May 19, 1919 (H. J. Res. 11 and 32), and referred to the Committee on the Judiciary; and in the Senate by Mr. Chamberlain of Oregon, June 12, 1919 (S. J. Res. 52), and referred to the Committee on the Judiciary, and is as follows:

Joint Resolution Proposing an amendment to the Constitution of the United States giving to Congress the power to extend the right of suffrage to residents of the District of Columbia.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid as a part of said Constitution, namely, insert at the end of section 3, Article IV, the following words:

"The Congress shall have power to admit to the status of citizens of a State the residents of the District constituting the seat of the Government of the United States, created by Article I, section 8, for the purpose of representation in the Congress and among the electors of President and Vice President and for the purpose of suing and being sued in the courts of the United States under the provisions of Article III, section 2.

"When the Congress shall exercise this power the residents of such District shall be entitled to elect one or two Senators, as determined by the Congress, Representatives in the House according to their numbers as determined by the decennial enumeration, and presidential electors equal in number to their aggregate representation in the House and Senate.

"The Congress shall provide by law the qualification of voters and the time and manner of choosing the Senator or Senators, the Representative or Representatives and the electors herein authorized.

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing power."

It will be observed that the proposed amendment does not in itself grant the representation and partial State status desired, but only empowers Congress to take such action. We ask Congress to let our fellow-countrymen say that Congress shall have power to provide for what we desire, believing that it will exercise that power with wise discretion, including the prescription of proper qualifications of voters. This would give the now voteless residents of the District equality in national representation with the citizens of the States of the Union now covering all the continental and contiguous United States territory, in which they alone are under taxation without representation, which from the day of the Revolution has been called "tyranny." The Nation which has done justice to the voteless women of the country may be expected to do like justice to the voteless men and women of its National Capitol, who have now no voice in making the laws, which they must obey, or levying the taxes which they must pay. They can neither take part in the declaration of war nor in the making of peace, although they must respond to the demands of war, and have always done so generously, self-sacrificingly and with patriotic devotion. It is the only capital in the world, moreover, which has not representation in the national government like other cities, including Rio de Janeiro, Buenos Aires, and Mexico City, which are like the District of Columbia, nation-controlled, Federal districts.

THE DISTRICT DOES NOT ASK STATEHOOD THOUGH IT HAS QUALIFICATIONS.

We do not ask statehood, and therefore there is no reason for asking the preliminary status of a Territory with a voteless Delegate in the House of Representatives—an experiment in representation which proved inadequate when tried by Congress between 1871 and 1874, in a form of government abolished as a failure.

Yet the District has all the qualifications of population and resources for statehood, as well as high intelligence and public spirit in its citizenship. The District of Columbia, with 437,571 population (according to the census of 1920), outnumbers each of seven of the States—Vermont, Idaho, New Mexico, Wyoming, Arizona, Delaware and Nevada; while New Hampshire and Utah

have only slight additional population. Yet the District has no representation in the Electoral College or the National Legislature, in which those States are represented as follows: Vermont, 4; New Hampshire, 4; Idaho, 4; Utah, 4; New Mexico, 3; Wyoming, 3; Arizona, 3; Delaware, 3; Nevada, 3. Oklahoma is the only new State which at the time of its admission had a larger population than that of the District of Columbia.

Without any voice in levying the national taxes, the District of Columbia in the fiscal year 1919-20, paid in national taxes for national purposes \$18,645,053, which is more than that contributed by each of 15 States. These States had in Congress, as in the Electoral College, these votes: Alabama, 12; Mississippi, 10; Arkansas, 9; Florida, 6; South Dakota, 5; Montana, 4; Utah, 4; New Hampshire, 4; Idaho, 4; Vermont, 4; Arizona, 3; New Mexico, 4; Wyoming, 3; Nevada, 3; and contributed more than five of them put together, namely: North Dakota, New Mexico, Nevada, Wyoming, and Vermont. All combined these States paid in national taxes \$17,529,433, and were represented by 18 Senators and Representatives in the decision as to the amount and kind of taxes that should be paid and also how the tax revenue should be spent. The District of Columbia had no voice in deciding any of these questions.

Although it had nothing whatever to say as to the declaration of war in April, 1917, the District sent 17,945 of its sons, an unusually large proportion of volunteers, and more in numbers than were contributed by any one of seven States—New Hampshire, Vermont, New Mexico, Wyoming, Arizona, Delaware, and Nevada—which were represented in the Congress: New Hampshire, 4; Vermont, 4; New Mexico, 3; Wyoming, 3; Arizona, 3; Delaware, 3; and Nevada, 3.

The immortal documents, the Constitution and the Declaration of Independence, are kept by the Government in the Department of State in the District of Columbia. Their principles of representative government of the people, by the people, for the people, resting on the consent of the governed and thereby justifying taxation and military service, should give the living inhabitants of the District of Columbia the same rights of national representation as their American brethren throughout the length and breadth of the land. The Constitution, which provided for a Federal district, omitted, unintentionally, provision either for giving to the Americans who might reside within that District the right of representation in the National Government or for giving Congress power to grant that right. The constitutional amendment which we support supplies that omission, and is warranted by the growth of the population, by its character, by its contributions in taxes and in men in peace and in war, under laws which it obeys but takes no part in making.

OUR REQUEST NOT AGAINST THE CONSTITUTION.

There is nothing in the Constitution to preclude the amendment which is proposed. Even statehood could be provided for the District of Columbia by an amendment of the Constitution if that was desired, and there can be no question that there is no prohibition of an amendment looking to status of citizens of a State in specified particulars for the residents of the District of Columbia. The only provision of the Constitution which, it is contended, can not be amended is that which provides that no State shall be deprived of its equal representation in the Senate without its consent. The proposed amendment which we support does not affect the equal representation in the Senate of any of the States.

As to the provision for the Federal District itself (Art. I, sec. 8), the terms are:

“The Congress shall have power: To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.” * * *

Roger B. Taney, as counsel in the celebrated case of Van Ness against the Corporation of Washington (4 Peters, 232), gives the definition generally accepted when he says:

“The Constitution of the United States declares that Congress shall have ‘exclusive legislation’; but it does not require that the power shall be despotic or unlimited. It merely excludes the States from all interfering legislation.”

But the proposed amendment does not in any way challenge the power of “exclusive legislation.” On the contrary, it assumes that that power will

continue, and simply provides that representatives of the District of Columbia in the Senate and in the House shall have a vote in the exercise of that power.

THE RIGHT ALWAYS CLAIMED, NOT DENIED, ONLY DEFERRED.

Nor is there anything in the history of the dealings of the United States with the District of Columbia that shows an intention or desire to exclude permanently the Americans living in the Federal District from the rights of representation in the Government of the Nation, possessed by the Americans in all the States.

Although at the beginning there were very few inhabitants in the District of Columbia, there was no question that the population would steadily increase until it became very large. George Washington, who was in every way the founder of the city, procured the site of the city from the 19 original proprietors partly by exhibiting a plan showing the division of the land into building lots, after streets and parks had been taken, which were to be sold to future citizens, between one-sixth and one-seventh of their original property being obtained by the original proprietors for that purpose, while the Government got far more than the amount required for erecting the public buildings from the sale of its portion. The United States Government attracted buyers and settlers by advertising these Washington lots not only in this country but in Europe. Washington included in his city plan an unusually large area, much greater than that of Philadelphia, because he anticipated a large growth in later years. The year after he retired from the Presidency he made the prediction that "a century hence, if this country keeps united (and it is surely its policy and interest to do it) will produce a city, though not as large as London, yet of a magnitude inferior to few others in Europe, on the banks of the Potomac." (Sparks, vol. 1, p. 237, May 16, 1798.) Washington, as is well known, thought that the Federal city might become a "commercial emporium," the greatest in the country. Neither he nor any of his contemporaries planned to keep its population restricted so that there could not be sufficient to claim national representation with the States.

Inasmuch as until the census of 1870 the District of Columbia did not contain sufficient inhabitants to equal the number required in a State before it could be admitted to the Union, the question of national representation in Congress was practically an academic one before that year. It is true that it was claimed from the beginning that the District should have national representation, for a constitutional amendment for that purpose was advocated in 1801 by Mr. A. B. Woodward, a resident of the District, and the agitation of citizens which led to the retrocession to Virginia of that portion of the District which she had ceded, including Alexandria, was based in part on the protest which had been made for years against their un-American condition. Alexandria citizens in mass meeting in 1846 resolved:

"That our citizens for a long series of years have been placed in a state of political degradation, and virtually beyond the pale of the Constitution, in having withheld from them the passage of needful and wholesome laws and in being denied the rights and privileges enjoyed by our fellow citizens of the Republic."

And further resolved:

"That we cherish the highest hopes, and have the utmost confidence, that the Congress of the United States will break the political shackles which have so long bound us, and again elevate us to the rights and privileges of free men by granting retrocession with relief."

Very little had been said on the subject of the political rights of District residents prior to the adoption of the Constitution. The most important statement was that of James Madison in the *Federalist* (No. XLII):

"As the State," he said, "will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as they will have had their voice in the election of the Government which is to exercise authority over them; as a municipal legislature for local purposes derived from their own suffrage, would of course be allowed; every imaginable objection seems to be obviated."

The "voice in the election of the Government" was, however, confined to the original inhabitants, but "a municipal legislature for local purposes derived from their own suffrage" was allowed, in the form of municipal councils, until

1871, and the lower branch of the legislature from 1871 to 1874. Madison's statement indicates desire to give American rights and certainly does not contemplate political slavery, although it does not mention national representation.

MUNICIPAL GOVERNMENTS GIVEN UNSATISFYING.

Congress actually made provision for municipal government for Washington, Georgetown, and Alexandria, continuing former arrangements in the two older cities and providing for Washington at different times prior to 1870 a mayor appointed by the President, afterwards elected by the councils, and later elected by the people, together with councils common to most American cities and always elected here.

This did not satisfy the political desires of either Georgetown or Alexandria. The citizens of Georgetown demanded retrocession to Maryland in 1803, and had considerable support in Congress, and they repeated it for years afterwards, while the Alexandria effort, begun early, was finally successful in 1846.

Congress, however, knowing that there was not a sufficient population in the District of Columbia for State representation in Congress, affected by the agitation for a removal of the Capital west, and finally absorbed in the questions growing out of slavery and their result—the Civil War—gave no serious consideration to the question of national representation even in the form of a Delegate in Congress, advocated by men in Congress as well as residents of the District.

WHAT PRESIDENTS HAVE SAID OF DISTRICT REPRESENTATION.

The first President to definitely recommend the grant to the District of a Territorial Delegate in Congress was Andrew Jackson in 1830. In the next year he repeated his recommendation and again in 1835. In his message of 1831, President Jackson said:

“It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government. But to accomplish the objects they had in view it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the Representatives of distant States to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually nor in Congress collectively well qualified to legislate over the local concerns of this District. Consequently its interests are much neglected and the people are almost afraid to present their grievances lest a body in which they are not represented, and which feels little sympathy in their local relations, should in its attempt to make laws for them do more harm than good. . * * * Is it not just to allow them at least a Delegate to Congress, if not a local legislature, to make laws for the District, subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution.”

President Monroe, in 1818, had suggested some kind of representation for the District in Congress, or a separate legislature for the District. He said:

“By the Constitution the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislates in all cases directly on the local concerns of the District. As this is a departure for a special purpose from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure.”

William Henry Harrison was another President who realized and deprecated the political status of the people of the District, and said, in his message of 1841:

“Are there, indeed, citizens of any of our States who have dreamed of their subjects in the District of Columbia? Such dreams can never be realized by any agency of mine. The people of the District of Columbia are not the subjects of the people of the United States, but free American citizens. Being in the latter condition when the Constitution was formed, no words

used in that instrument could have been intended to deprive them of that character. If there is anything in the great principle of inalienable rights so emphatically insisted upon in our Declaration of Independence, they could neither make, nor the United States accept, a surrender of their liberty and become the subjects—in other words, the slaves—of their former fellow citizens. If this be true—and it will scarcely be denied by any one who has a correct idea of his own rights as an American citizen—the grant to Congress of exclusive jurisdiction in the District of Columbia can be interpreted so far as respects the aggregate people of the United States as meaning nothing more than to allow to Congress the controlling power necessary to accord a free and safe exercise of the functions assigned to the General Government by the Constitution. In all other respects the legislation of Congress should be adapted to their peculiar position and wants and be conformable with their deliberate opinions of their own interests.”

In 1866 Andrew Johnson followed Jackson's example, saying in his message to Congress:

“Our fellow citizens residing in the District, whose interests are thus confided to the special guardianship of Congress, exceed in number the population of several of our Territories, and no just reason is perceived why a Delegate of their choice should not be admitted to a seat in the House of Representatives. No move seems so appropriate and effectual of enabling them to make known their peculiar condition and wants and of securing the local legislation adapted to them. I therefore recommend the passage of a law authorizing the electors of the District of Columbia to choose a Delegate, to be allowed the same rights and privileges as a Delegate representing a Territory.”

In view of the size of the population the recommendations of these Presidents went as far in the direction of national representation as was then possible. But their arguments are equally applicable to national representation as provided in the proposed constitutional amendment.

Representative Dennis, of Maryland, speaking in the House in December, 1800, said:

“If it should be necessary the Constitution might be so altered as to give them (the residents of the District) a Delegate to the General Legislature when their numbers should become sufficient.”

As at that time there were no Territorial Delegates, and the title had not been invented, Mr. Dennis meant, of course, a full representative with the power to vote. And this was the attitude of others in Congress who believed that the people of the District should and would be entitled to representation in the National Legislature.

THE TERRITORIAL DELEGATE.

Therefore, it was natural that when Congress in 1870 came to consider the National Capital more seriously than ever before, it had no hesitation in giving it a Territorial form of government, with a legislature and with the Delegate in Congress, who, however, like other Territorial Delegates, had no vote, and therefore no power. Circumstances that had nothing to do with the question of national representation of the District of Columbia brought about the abolition of that Territorial government and the substitution of the commission form of government, without any kind of representation in Congress, or in the Electoral College, or in the municipal government.

The enactment of the organic act of June 11, 1878 (which is not affected by our resolution), providing a permanent form of government by commission for the District of Columbia, abolishing suffrage, and assuming for the first time the Nation's share of the municipal expenses, which was placed at 50 per cent in a basic provision for a definite and regular contribution from the United States Treasury, dealt only with the local government and ignored the question of national representation. It utilized the power of “exclusive legislation” to the full for the protection of the national interest in the Capital. But all that it took from the citizens in respect to suffrage was the voting for a voteless Delegate and the lower house of a legislature, which had superseded the right to vote for mayor and councils in the cities of Washington and Georgetown.

Real representation, national representation, the birthright of the American, had never been given, and therefore was not taken away. The question was simply postponed. Congress now has the opportunity to answer it satisfactorily.

ADVANTAGES TO CONGRESS.

Congress itself would obtain important advantages from the presence of duly elected Senators and Representatives from the District of Columbia. While it is the general duty of all Senators and Representatives to study and promote the interests of the National Capital, and while in every Congress there are men in both Houses who devote a great deal of time to this duty, the primary interests of all Senators and Representatives are in their own States and their chief duty to the Nation at large. After they have done their duty to their constituents and to the country generally most of them have neither the time nor strength for District affairs, in view of the great increase in their work. Even those who serve on the particular committees having to deal with those affairs, many of whom have rendered important services to the National Capital, perform those special duties under the handicap of their circumstances as national legislators and as Representatives of particular constituencies.

Moreover, only a resident of the District of Columbia can have the first-hand knowledge as to all its affairs and its public opinion, which would enable him to speak authoritatively as a representative in the Senate or the House. And such a District Senator or Representative would be able to give his colleagues in committee or on the floor accurate and valuable information on all District questions, which would lighten their labors, prevent them from making mistakes, and enable them to better exercise the power of "exclusive legislation," including taxation and the expenditure of the public funds.

Mr. Justice Stafford, of the Supreme Court of the District of Columbia, in an address at the dinner given to President Taft in May, 1909, by the citizens of Washington, well said of national representation:

"It is not alone for the District of Columbia that I bring the proposition forward. The interests of the Nation would be served as well. They would be served, first of all, by the increased efficiency and propriety of the laws that would be enacted; in the next place, by the fact that the Members from the District, being familiar with the local situation, and serving on the local committees, would relieve the Members from other States of much of their present burdens, leaving them freer to perform the duties for which they were specially selected. Further, it would serve the Nation by adding to Congress men of weight and influence in national concerns. We should have here a constituency peculiarly rich in material for Representatives. But more, perhaps, than all the rest, the change would serve the interests of the whole Nation by recognizing the grand principle of representative government here, in the most conspicuous position in the country, where hitherto it has been cast aside."

NO NEGATION, NO SURRENDER OF THE RIGHT.

The creation of the Federal District under the exclusive control of Congress was intended, as the debates in Congress and the Constitutional Convention show, to give the National Government a separate seat free from any conflicting jurisdiction, where it could be secure from interference of any kind. Historically it was suggested by the experience of Congress in 1783 at Philadelphia, then the Capital, with the riotous Revolutionary soldiers of the Pennsylvania line, whom neither Philadelphia nor Pennsylvania could control, and whose petitioning for their claims was so rough that it drove Congress into New Jersey. In the discussions, the suggestion of a State capital as the future seat of the National Government was treated as objectionable because it involved a possible clash of authority. But in all the consideration of the matter there was no declaration or decision hostile to the thought that the future inhabitants of the National Capital would be given at some time when their numbers justified representation in the National Legislature and the Electoral College.

There was no negation by the Nation and no surrender by the residents of the District of the hope that such representation would some day be given. There was no determination that the different measures of local self-government given the residents of the District took the place of national representation. No local self-government could, with respect to the National Government, afford the people of the District anything more than the right of petition which, and which alone, they already possessed as individual American citizens.

THE RIGHT TO VOTE FOR PRESIDENT AS NECESSARY AS THAT TO VOTE FOR REPRESENTATIVES IN SENATE AND HOUSE.

All the arguments in favor of the right of the National Capital to representation in Congress apply with equal force to its right to have a vote—a voice with power—in the election of the President and Vice President. The President of the United States appoints the executive government of the District of Columbia in the three commissioners, and appoints all the judges of the courts, from the lowest to the highest, and directly or indirectly all the other officers of the local government. This power is exercised necessarily without any effective expression of choice by the people. Obviously it affects vitally the life and property of every one of them.

Can any citizen of any other city in the United States imagine what it would mean if by some marvelous transformation all the executive and judicial officers of his city should be appointed by the President of the United States, in whose selection he had no voice? Participation in the election of the President and Vice President would give the people of the District of Columbia a direct influence in the selection of the local government in all its branches.

THE GREATER ANOMALY.

It has been suggested that it would be an anomaly to have the District enjoy State representation in Congress without being a State in fact. But that would be a great improvement over the present anomaly of 437,000 Americans without the fundamental American right of representation in the body which taxes them and legislates for them. Moreover, the present anomaly includes the fact that the District of Columbia has been held by the Supreme Court (*Geofroy v. Riggs*, 133 U. S., 258) to be a State within the meaning of "States of the Union" in the treaty with France, reciprocally providing for the holding of real estate by the respective nationals; while the Supreme Court has also held (*Hepburn v. Ellzey*, 2 Cranch, 445) that the District is not a State within the meaning of the constitutional provision authorizing citizens of one State to sue and be sued by citizens of another State in the courts of the United States. Again, the Supreme Court has held (*Loughborough v. Blake*, 5 Wheaton, 317) that it is a State for the purpose of direct taxation, although not for the purpose of apportionment of Representatives when provision for both purposes is coupled in the same clause of the Constitution.

"It is," said Chief Justice Marshall, in his opinion giving the judgment of the Supreme Court in *Hepburn v. Ellzey* (2 Cranch, 445), "extraordinary that the courts of the United States, which are open to aliens and to the citizens of every State in the Union, should be closed upon them (District residents)." This "extraordinary" situation the Supreme Court held resulted from a necessary interpretation of the Constitution so that while the District was a State in the significance of the term in international law, it was not a State of the United States within the constitutional provision authorizing citizens of a State to sue and be sued in the Federal courts, hence the necessity for the proposed amendment to the Constitution that will give the people of the District the same right enjoyed by aliens and citizens of States.

The United States fought in the great war against autocracy and for the principles of the Declaration of Independence. The United States contended not simply for democracy in general but for the direct representation of every people in their government. While it was fighting for these American principles, it was withholding the right of representation from the Americans living in the District of Columbia. This inconsistency was made more striking by the fact that so large a proportion of the manhood of the District of Columbia was fighting against autocracy under the banner of the Republic which denied them the very rights they were thus claiming for others. This greater anomaly the men and women generally of the National Capital now ask their brethren and sisters of the country, who enjoy the American right of representation, to remove.

II. The time is now fully ripe, as shown by the population, intelligence, and national contributions in men and money, in war and peace, of the District of Columbia.

POPULATION.

The census for the year 1910 gives the population of the District of Columbia as 331,069, which surpassed in number Nevada, with 91,375; Wyoming, 145,965; Delaware, 202,322; Arizona, 204,354; Idaho, 325,994; and New Mexico, 327,301.

At that time, therefore, the population of the District was in excess of that of six of the States of the Union, each having two Senators and Representatives in proportion to the population. The same census showed the population of Vermont, 355,956; Montana, 376,053; and New Hampshire, 430,572.

The census for the year 1920 shows the population of the District of Columbia to be 437,571, which is larger than any one of seven States, namely, Nevada, 77,407; Wyoming, 194,402; Delaware, 223,003; Arizona, 333,273; Vermont, 352,421; New Mexico, 360,247; Idaho, 431,826. It also shows that the population is substantially as large as New Hampshire, with 443,083, and Utah, 449,446.

A comparison of the census of 1910 and 1920 shows that the ratio of increase of population has not decreased, but we have advanced ahead of Vermont and are rapidly approaching the population of Utah and New Hampshire.

The fact that the population of the District is larger than any one of the seven States referred to in the light of the contribution of its people toward the maintenance of the Government emphasizes the justice of our demands for equal representation.

FEDERAL TAXES.

There is an erroneous conception, rather widespread, that the citizens of the District of Columbia are dependent largely, if not wholly, upon the bounty of the Federal Government and that in some mysterious way they are relieved from taxation. Not only is this not true so far as the contribution of its citizens in taxes to the local government is concerned but it is equally untrue so far as their relation to the Federal Government is concerned. It has been demonstrated time and again that the taxes paid by the citizens of the District toward the maintenance of the local city government are largely in excess of like taxes paid by residents of cities comparable in size. The burdens imposed upon them by way of taxes upon real estate, personalty, and intangibles are much higher than in many other cities.

But the District citizens are not only giving to the support of the city, they contribute to the support of the Federal Government largely in excess of citizens of many of the States.

The official records show that the District's contribution to the Federal Government by way of internal revenue, customs, and miscellaneous payments for the fiscal year ending June 30, 1918, was the sum of \$12,862,474.08.

The records also show that for the year 1918 the citizens of the District paid to the Government in satisfaction of like taxes the sum of \$18,645,053, made up of \$8,928,755.77 of income and profit taxes and \$9,716,298.20 miscellaneous taxes, which amount was greater than the aggregate of similar taxes paid by the States of North Dakota, New Mexico, Nevada, Wyoming, and Vermont combined. In this connection it is interesting to note that the five States referred to have 18 votes in the two houses of Congress, while the District has none. The same records show that the payments made by the District to the Government through the internal revenue, customs, and miscellaneous taxes for the year 1919 were in excess of any one of 15 States.

The following tabulation shows the taxes paid by each of these 15 States, with the number of electoral votes to which they were entitled:

	Taxes paid.	Electoral vote.		Taxes paid.	Electoral vote.
District of Columbia.....	\$18,645,053	.....	Mississippi.....	\$11,786,386	10
North Dakota.....	3,338,660	5	Arkansas.....	12,556,192	9
New Mexico.....	1,968,009	3	Florida.....	15,623,811	6
Nevada.....	1,297,334	3	South Dakota.....	6,669,794	5
Wyoming.....	4,225,282	3	Montana.....	6,770,257	4
Vermont.....	6,700,148	4	Utah.....	9,595,151	4
Idaho.....	4,963,264	4	New Hampshire.....	14,709,318	4
Alabama.....	18,435,952	12	Arizona.....	6,597,515	3

POSTAL REVENUE.

During the period when all mails leaving from the Washington Post Office were weighed, it was determined that approximately three-fourths of the matter handled was official, from which no revenue is derived by the Government.

Had it been treated as paid matter, and assuming as the post office does, that the postage value would be of the same ratio as for commercial mailings, the revenues for the fiscal year ending June 30, 1918, would have amounted to \$12,340,292.48, or a greater revenue than the aggregate postal receipts of 41 States of the Union.

By reference to the annual report of the Postmaster for the fiscal year ending June 30, 1918, it will be seen that the receipts for the Washington office were \$3,085,193.12, which was greater than the aggregate receipts from all of the post offices in any of the following States: Arizona, Arkansas, Delaware, Florida, Idaho, Maine, Mississippi, Montana, New Hampshire, New Mexico, Nevada, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, West Virginia, and Wyoming. It also shows that the total receipts of all post offices in Delaware, Nevada, New Mexico, and Wyoming, combined, amounted to only \$2,987,047.05, which is less than the receipts of the Washington post office.

CONTRIBUTION OF TROOPS.

Civil War.—The support of the United States in times of war by the District is not limited to patriotic expressions, or is contribution in money, but is evidenced more strikingly in the contribution of its sons in larger numbers than its quota. Thus, in the Civil War, the District of Columbia sent 16,534 men to the front. The District's proportion of man power according to the Government was 35/100 of 1 per cent of the estimated loyal population of the country as ascertained by the census of 1860, whereas it actually sent into service 62/100 of 1 per cent, or a proportion of about four-fifths greater than its share.

Spanish War.—In the war with Spain, the proportion of men which should properly come from the District as represented by the population as shown by the census for 1900 was thirty-seven one-hundredths of 1 per cent, whereas it was actually credited with forty-six one-hundredths of 1 per cent of the total for the United States, or about one-fourth greater than the proportion properly chargeable to the District.

World War.—In the war with Germany the District of Columbia has made a record of which the Nation should be proud. The total voluntary enlistments in the Army, Navy, and Marine Corps for the District were 8,314, a number greater than that in eight States, viz: Nevada, Delaware, Arizona, Wyoming, Vermont, New Mexico, and New Hampshire, and only a trifle less than three other States. The number of men inducted into the Army under the first and second registration was 9,631, making a total of voluntary enlistments and inductions into the service of the Government 17,945. In other words, the percentage of voluntary enlistments was 46.33 per cent of the total inductions into the service.

The proportion which the voluntary enlistments bear to the total number of enlistments and inductions by way of registration was greater for the District of Columbia than for every State of the Union except Rhode Island, Oregon, Washington, California, and Maine, and more than one-third greater than the percentage for the country as a whole.

The Congress has power to declare war and with that goes the power to call into the service of the Government either voluntarily or by way of conscription the man power to prosecute such war. But the 437,000 citizens of the District are denied the right to participate in the councils of the Nation in determining whether we shall war or be at peace, while the rest of the country may speak through their representatives in Congress. The idea is repugnant to a liberty-loving people. From the beginning our people have regarded as a sacred privilege the right to participate in the councils of the Nation. The American Colonists in the Bill of Rights proclaimed to the British Government through formal resolution "That the foundation of English liberty and of all free government is a right in the people to participate in their legislative councils." This was followed by the Declaration of Independence, which declares:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

While the people of the District of Columbia are as much a part of the people of the United States as any others, they are governed without their consent; while they are in fact created equal they are not so treated or recognized by the Constitution. The two instruments referred to are as sacred in the minds of the

American people as any ever issued by any government. That these two documents were fresh in the minds of the American people at the time of the adoption of the Constitution can not be doubted; that they proposed and intended to treat all people as being created equal in the sight of the Government can not be questioned. This being true, it is self-evident that when the Constitution was framed the failure to provide the citizens of the District with the right of representation in the councils of the Nation was an oversight. That the people of the District of Columbia have so long tolerated the anomalous condition is no answer to the claim now made that they should in fact as well as in word be made the equal of all other citizens of this country.

LIBERTY LOANS.

In addition to large contributions of its manhood in every war in which the United States has been involved, the citizens of the District of Columbia have uniformly and liberally supported the Government with funds. Strange as it may seem, considering the extent of territory of the District and the anomalous relations of its citizens to the Government, this support has been largely in excess of that given by very many of the States of the Union. In each of the five Liberty loans, it far exceeded its quota.

The amount assigned to the District of Columbia as its quota of the first Liberty loan was \$10,000,000, while the amount subscribed was \$19,261,400. The per capita subscription for the District was \$52.20, which was nearly four-fifths greater than for the country as a whole, which was only \$29.29, and exceeded that for each of the 12 Federal reserve districts except the second, which includes New York.

The quota assigned for the District of Columbia of the second Liberty loan amounted to \$20,000,000, whereas the subscription amounted to \$22,857,050, or a per capita subscription of \$57.73, whereas for the United States at large it was only \$44.55. It is interesting to note that the per capita subscription for the District was in excess of 10 of the Federal reserve districts and less than the first and second districts covering the Boston and New York districts.

Of the third Liberty loan, the quota for the District of Columbia was \$12,870,000, whereas the subscription amounted to \$25,992,250, or a per capita subscription of \$64.98, while that for the United States at large was only \$40.13. The per capita subscription was considerably in excess of that in each of the 12 Federal reserve districts except the second, which includes the State of New York.

Of the third loan, the District subscribed a greater sum than any one of 18 States, viz.: Alabama, Arizona, Arkansas, Delaware, Florida, Idaho, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, Utah, Vermont, and Wyoming, while the number of subscribers to the loan was greater in the District than in any one of the 18 States just named, excluding Arkansas but including in its place Tennessee. The proportion of the population which subscribed to the third loan was greater in the District of Columbia than in any of the 48 States, and was about twice as great as the percentage of the country as a whole, which ranged from 29.07 for Iowa to 3.3 for North Carolina.

The quota assigned to the District of Columbia of the fourth Liberty loan was \$27,608,000, while the subscriptions amounted to \$51,262,100, or a per capita subscription of \$127.61, whereas the per capita subscription for the United States as a whole was only \$65.94. The per capita subscription for the District of Columbia was again largely in excess of that of every Federal reserve district except the second, which includes the State of New York.

In the fourth loan the District subscribed a greater sum than any one of 23 States, viz, Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Idaho, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Utah, Vermont, and Wyoming. The number of subscribers in the District was greater than in any one of 25 States, which included those just named, with the exception of Oklahoma, but including in addition Rhode Island, Tennessee, and West Virginia. The proportion of the population of the District of Columbia subscribing to this loan according to the Treasury Department was 65.8 per cent, which was much greater than in any of the 48 States and was about about three times as great as the corresponding percentage for the entire United States, which was 21.98 per cent. The State percentage ranged from 28.77 for Wyoming to 6.2 for North Carolina.

Similar success was achieved in the campaign for the fifth or Victory loan, when the quota of the District of Columbia was \$20,307,000, and the actual subscription was \$28,307,000, and the number of local subscribers was 132,159.

WAR SAVINGS.

The District of Columbia is a part of the fifth Federal reserve district, which comprises also Maryland, Virginia, West Virginia, North Carolina, and South Carolina. The official figures by the War Savings Organization at the close of the year 1918 show that the per capita record for the District of Columbia was \$15.93. West Virginia followed with a per capita subscription of \$11.35, North Carolina \$8.66, Virginia \$6.50, and Maryland \$5.98. Considered as a unit, therefore, the District of Columbia led all of the States within the fifth Federal reserve district in its war savings per capita record.

INTELLIGENCE.

The District's percentage of illiteracy for all classes of its population combined, according to the United States Census of 1910, was 4.9; while the average for the country was 7.7. The District's percentage was less than that of any one of twenty-five States, including Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Georgia, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona, and Nevada.

The percentage of illiteracy in native whites of native parentage was six-tenths of 1 per cent, while the average percentage for the United States was 3.7. Comparing the District in this respect with individual States shows that its percentage of illiteracy in native whites of native parentage was less than half that of any one of 23 States: Maine, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, Missouri, Kansas, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Colorado, New Mexico, and Arizona.

The returns as to illiteracy among the colored population in the Census of 1910 show that in the District it was 13.5, or less than half the corresponding figure for the United States, 30.4, and less than the same percentages for any one of 19 States: Indiana, Missouri, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, and New Mexico.

The school attendance in the District of Columbia, according to the census of 1910, was slightly better than the average in the United States and better than that in 23 of the States. The proportion of its population of all classes 6 to 20 years of age that attended school for any length of time between September 1, 1909, and April 15, 1910, was 64.2 per cent, while the average for the United States was 62.3 per cent. The District's percentage in this respect was better than that of any one of these States: Rhode Island, New York, New Jersey, Pennsylvania, Illinois, North Dakota, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, New Mexico, Arizona, and Nevada.

Confining the comparison to native whites of native parentage, the District's percentage, 66.7, is practically the same as that for the United States as a whole, 66.9, and is higher than any one of 15 States: Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Arkansas, Louisiana, Texas, and New Mexico.

The percentage of school attendance among the District's colored population, 59.3, is considerably above the corresponding percentage of the United States as a whole, 47.3, and exceeds that of any one of 28 States: New Hampshire, Vermont, New Jersey, Pennsylvania, New York, Illinois, Ohio, Indiana, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Wyoming, New Mexico, Utah, Washington, and Oregon.

The percentage of the District's white population in 1910 who were natives of native parentage, 70.6, was much higher than the corresponding percentage, 60.5, for the United States as a whole, and was higher than that for

any one of the 28 States: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, Idaho, Wyoming, Colorado, Arizona, Utah, Nevada, Washington, Oregon, and California.

Since 1870, as the successive decennial censuses show, there has been a remarkable increase in school attendance and decrease in illiteracy among the colored population. The proportion attending school increased from about 37.5 per cent of those 5 to 19 years of age in 1870 to 59.3 per cent of those 6 to 20 years of age in 1910, this increase being much more, proportionately, than the corresponding increase for the white population from 53.1 per cent in 1870 to 66.2 per cent in 1910.

It is in the decline of illiteracy, however, that the most striking progress is shown. The percentage of illiterates among colored persons of 10 years of age and over decreased from 70.5 per cent in 1870 to 13.5 per cent in 1910, the latter percentage being less than one-fifth as great as the former. The proportion of improvement in white illiteracy for the same period is just about the same, from 7.3 per cent in 1870 to 1.5 per cent in 1910.

There has been a marked decline in the proportion of the colored population in the whole population in the District of Columbia. It was approximately a third of the total population in 1870, in 1880, and in 1890, and is now less than a fourth of the population, and in no one of its 11 precincts, according to the most recent police census, did the colored outnumber the whites.

That the present condition exists under a Constitution framed by the people and for all the people is contrary to the policy of this Government in its dealings with other nations. In the World War, while the President wisely insisted that the United States would only deal with Germany through a representative form of government, it suffered to exist in the District of Columbia the very thing it criticized in Europe. Fully as loyal as any citizens of any section of the country, equally as willing to contribute with their substance to the support of the Government, and as highly intellectual, the District people have for years been put in the same category as mental incompetents, criminals, and aliens. That such a condition will be permitted by the Nation at large to continue to exist when the facts are brought home to its attention we can not believe.

III. The objections raised are baseless in law and in fact.

THE DISTRICT NOT A GOVERNMENT RESERVATION.

It must be acknowledged that there exists an impression that the District of Columbia stands on the same footing as a fort, arsenal, dockyard, or other place over which the Federal Government possesses a similar power of exclusive legislation; that it is but a tract of land set apart for purely governmental purposes, where the inhabitants, if not, indeed, trespassers, are little more than tolerated sojourners. This view has found expression even in the public utterances of men of the highest station, one of whom said openly that if the people here did not like the sort of government established over them, let them go somewhere else.

This conception of the District of Columbia as a sort of Government reservation is unsound from every point of view.

In the first place, it is thoroughly unhistorical. As long ago as 1804 Chief Justice Marshall, while holding, with manifest reluctance, that under the provision giving Federal courts jurisdiction over controversies between citizens of different States, the citizens of the District could not be considered citizens of a "State" in the limited and special sense in which that term was used in the Constitution, freely conceded, on the other hand, that "Columbia is a distinct political society and is, therefore, a State according to the definitions of writers on general law." (*Hepburn v. Ellzey*, 2 Cr., 445, 452.)

This clear recognition of the District as "a separate political community," possessing an organic, social, and political life of its own, has been reiterated in subsequent cases in which the Supreme Court has placed the District, for certain purposes, on the same footing as the self-governing States of the Union. (*Geofroy v. Riggs*, 133 U. S., 258, 259; *Metropolitan R. R. Co. v. District of Columbia*, 132 U. S., 1, 9.)

Nor was it the intention of the founders that the great city which they expected to arise on the banks of the Potomac would be a mere site for Government offices and a place of abode only for those who were required to work

in them. Their purpose was precisely the reverse. As Washington expressed it, the expectation was that the new city should not only be the political capital but "become the greatest commercial emporium of the country."

It was for this reason that the particular site was chosen. The determining factor was its situation at a natural meeting point for external and internal transportation. Its harbor, which was then regarded as one of the best in the country, would afford access, on the one hand, to the great highway of the sea; on the other, to that line of inland navigation and portage which Washington's explorations had shown to be the shortest and most practicable route over the mountains to the tributaries of the Ohio. The location of the Capital is primarily due to his far-reaching plans for the development of the Potomac as the most convenient highway to the West, and therefore as the main channel for "the extensive and valuable trade of a rising empire."¹

In this there was a political as well as a commercial object. The purpose was to bind the growing western settlements to the older communities along the seaboard. But the means relied upon to accomplish the political end were themselves economic, and such as would lead to the growth and development of the new city as a commercial center. On this basis it was planned and laid out. Changes, then unforeseeable, chief among them being the extraordinary development of the railroad, have operated to disappoint in large measure the economic expectations of the founders. But it never occurred to them to conceive that the inhabitants of the populous and busy metropolis, which they believed would outstrip in wealth and population all of the existing towns of the country, and ultimately rival London itself, were condemned in advance to live forever deprived of all political rights and all participation in their government. So far from such being the case, almost the first thing Congress did when it took over the actual government of the District was to constitute the inhabitants of the infant city "a body politic and corporate," with the rights, powers, and privileges immemorially appertaining to municipal corporations.²

It is true that the Constitution provided, among the other powers of Congress, that it should "exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States." But the vesting in a given legislature, whether national or local, of the power of "exclusive legislation" is not in any sense a negation of political rights in the people to be affected by the legislation. That such was not the contemporary idea is demonstrated not only by the fact that the inhabitants of the new city were constituted a body politic, but also by the fact that the existing local governments of the towns of Alexandria and Georgetown were left with all their powers unimpaired.

The form of government which Congress then provided for the people of the city proved an inadequate method of meeting the immense burdens cast upon them in the maintenance of a city laid out with such large views. But that circumstance is not to the present purpose. What we are now endeavoring to discover is the attitude of the fathers toward the people who were being actively solicited to settle here and take part in the upbuilding of the Nation's Capital. All the contemporary evidence shows that the existence of political rights on their part was not considered incompatible with exclusive Federal jurisdiction. The notion that there is any incompatibility between them results from a failure to grasp the real motives and purposes underlying the constitutional provision for exclusive Federal legislation in the territory ceded for the seat of government.

THE ONLY PURPOSE OF THE CAPITAL.

The experience of Congress in towns subject to the territorial jurisdiction of a State government had shown that such a situation offered opportunities for disturbing conflicts of authority. Now, for the first time in history, a Federal Government was about to be created whose laws would operate directly upon the citizens of its several constituent States. But this system of dual sovereignty was as yet an untried experiment. Up to that time it was the States which had been strong and Congress which had been feeble. Madison had

¹ See letters quoted in Washington's Interest in the Potomac Company, by H. B. Adams. *J. H. U. Stud. Hist. Pol. Sci.*, Ser. 3.

² An act to incorporate the inhabitants of the city of Washington, in the District of Columbia, approved May 3, 1802, 2 Stat., p. 195.

expressed the view in the *Federalist* (No. XLIV) that the balance between the Federal and State governments "was much more likely to be disturbed by the preponderancy" of the latter than of the former. Manifestly, then, the way to preclude all possibility of embarrassment from divided allegiance on the part of the people where the Federal Capital should be located was to establish the seat of government in a place where there would be but one political sovereignty, one law, and one authority. This was the purpose, and the only purpose, of the framers of the Constitution. They accomplished it by giving Congress the power of "exclusive legislation in all cases whatsoever" over the Federal District; in other words, by giving it "the combined powers of a General and of a State government in all cases where legislation is possible." (*Stoutenburgh v. Hennick*, 129 U. S., 141, 147; *Capital Tr. Co. v. Hof.*, 174 U. S., 1, 5; *Kendall v. United States*, 12 Pet., 524, 619.)

EXCLUSIVE CONTROL NOT DENIAL OF POLITICAL RIGHTS, NOT CHANGED BY NATIONAL REPRESENTATION.

In a word, the object of the framers was unity of governmental powers, not negation of political rights.

For it is manifest that every purpose for which the power of exclusive legislation was conferred can be accomplished in the fullest measure without denying political rights to the inhabitants. To insure the supremacy of a single legislative will, obedience to a single system of law, and the total exclusion of any possible claim to authority on the part of another sovereignty, it is not necessary in the least to shut out the citizens who are subject to that law from participation in the making of it.

The legislative power of Congress over the District of Columbia will be no less exclusive, the authority of the National Government no less supreme, when the inhabitants shall have been admitted to be heard in Congress by their representatives, than it is now or has been at any time in the past.

THE POLITICAL STATUS OF DISTRICT RESIDENTS NECESSARILY POSTPONED.

It may perhaps be asked, Why did not the Constitution make express provision for the political status of the inhabitants of the Federal District? The answer is that the problem was necessarily one for the future. The Constitution did not proceed to fix their status any more than that of the inhabitants of the Territories. The Northwest Territory had already been ceded to the Federal Government, whereas there was no certainty that any State would be found to cede territory for a Federal District. What the Constitution makers were concerned with was to invest Congress with the needful power in case the cession were made, just as they limited themselves to conferring a power to make all rules and regulations for the government of the Territories. The location of the District, its extent (within the limit set), the character and density of its population were all matters wrapped in the obscurity of the future. To the future, therefore, must be left the solution of their ultimate place in the governmental system when their numbers, their wealth, and the surrounding circumstances might render a solution necessary.

Let it be remembered also that there was no voice authorized to speak on behalf of the unknown inhabitants of this conjectural domain.

Since the attitude of many minds toward the National Government was still colored by the traditional view that it was but an agency exercising certain powers by delegation from the sovereign States, it is hardly to be expected that anyone in that day should propose that a territory to be thereafter created for Federal purposes out of some existing State or States should be declared in advance to possess the attributes of a State and to be entitled to admittance as such on a footing of equality with the original historic Commonwealths.

But surely it is not a fatal bar to the reasonable aspirations of a populous, intelligent, and highly civilized community in the twentieth century that the territory it occupied was in the eighteenth century only a sparsely settled wilderness. It is by no means strange that the constitutional convention of 1787 should have omitted to provide a political status for a community yet unborn. But would it not be strange, indeed, if after a century of unparalleled national development the Congress of 1921 should decline to provide a political status for a community surpassing in population, in wealth, and in the magnitude of its national contributions a number of the States whose Senators and Representatives have their rightful places on the floor of the two Houses?

The physical situation existing at the framing of the Constitution had not greatly changed when Congress first organized the government of the District in 1802. Although planned on the most extensive scale, and expected to become in time a great and populous center of commercial and industrial life, the infant city then hardly rose to the dignity of a country village. The local governments established and continued by Congress seemed to it, therefore, to afford all the participation in government which the population required.

THE INADEQUACY OF THE MUNICIPAL AND TERRITORIAL GOVERNMENTS.

The insufficiency of the old municipal governments having in the meantime been fully demonstrated, Congress sought to solve its difficulties by creating, in 1871, a territorial government for the District of Columbia, upon the legislature of which one branch, elected by popular suffrage, it conferred limited legislative powers for local purposes. But this form of government was doomed to failure.

The validity of this congressional legislation does not seem to have been questioned during the life of the territorial government. After it was abolished, however, the Supreme Court was required to pass upon the conviction of a commercial agent or drummer who was fined for soliciting sales for a firm located outside the District without having first paid the license fee imposed by an act of the legislative assembly upon "every person whose business it was to offer for sale goods, wares, or merchandise by sample, catalogue, or otherwise." Upon principles already settled in cases of similar license legislation by the States, the court held that the local statute "so far as applicable to persons soliciting, as Hennick was, the sale of goods on behalf of firms or individuals doing business outside the District" was a manifest regulation of interstate commerce and necessarily void.

The subject, said the court, was one "which calls for uniform rules and national legislation, and is excluded from that class which can be best regulated by rules and provisions suggested by the varying circumstances of different localities"; whereas all that Congress had here attempted to do had been to authorize the District to exercise municipal power and "prescribe local regulations." (*Stoutenburgh v. Hennick*, 129 U. S., 141, 147, 148.)

But its establishment, like that of the municipal government, nearly seventy years before, was a clear recognition by Congress that it did not regard the people of this community as foreclosed, by some iron degree of fate, from the exercise of political rights.

In *Van Ryswick v. Roach* (Mac A. & M., 11 D. C., 171), the reasoning of the Supreme Court of the United States was carried still further by the Supreme Court of the District. An act of the late legislature assembly making judgments of that court liens upon equitable interests in real estate was held void upon the broader ground that Congress could not delegate any general legislative power to the local government. Admitting "that the term 'exclusive' had reference to the States and simply imports their exclusion from legislative control of the District," the court grounded its decision flatly upon the "fundamental rule which forbids the delegation of legislative power," as distinguished from authority to pass ordinances and regulations for the internal economy of the community.

Thus the general problem for which the creation of a territorial legislature was an attempted solution remains unsolved. The inability of Congress to deal, unaided, not merely with all questions of local legislation, but with substantially all details of local government, has increased in a sort of geometrical progression with the increase, as well in complication and difficulty as in mere mass, of the volume of national legislation. Not even the most obdurate opponent of political rights for the people here would maintain that, as a practical matter, it is reasonable to expect Congress to continue indefinitely to act as the local legislature of the District of Columbia unless some instrumentality shall be devised whereby the burden of that labor may be rendered more tolerable and in its execution more satisfactory to those who are constrained to perform it.

OUR SOLUTION SIMPLEST AND BEST.

Some solution for the problem must be found. Whatever may be its nature, it necessarily involves some change in the Constitution. We can not but think that the one we offer is the simplest and the best.

Instead of seeking, as in 1871, to transfer the whole or some part of the legislative function from Congress to another body, a constitutional amendment which would work radical changes in the power and position of Congress, we propose just the opposite. We propose to add to the present powers of Congress the further power to admit, whenever in its judgment the time therefor shall have arrived, the representatives of the people of the District to a seat in the National Legislature.

By this method we preserve, unimpaired, intact, the primary purpose of the creation of a special Federal district for the seat of Government, namely, the absolute supremacy therein of a single legislative will. All conceivable conflict between local authority and Federal authority will be impossible then, just as the framers of the Constitution intended that it should be impossible. Then, as now, there will exist but one judiciary, local and Federal; one executive; one legislature. The National Government will continue, as now, supreme in every respect. But this supremacy will no longer be exercised at the cost of a humiliating repudiation of the principles of American Government. It will be maintained without the sacrifice of the rights of nearly half a million of law-abiding and patriotic American citizens.

NO SOUND OBJECTIONS ON MERITS.

What, then, are the grounds upon which this act of justice is to be denied?

Is it on the score of numbers? This can hardly be, for the population of the District to-day is greater than that of any except one of the newly admitted States at the date of its admittance, and it is a population which is constantly increasing. Indeed, the population of the District is almost twice the present population of the ancient Commonwealth of Delaware; more than twice that of the new State of Wyoming. It is larger than New Mexico with its 360,287 people, larger even than Idaho with 431,826. Its population exceeds the combined population of Nevada and Arizona.

Is it then because of the character of our population? If that be the ground, may we not be permitted to ask, where is the community of equal numbers which shows a higher level of intelligence and education, or a higher general standard of life? In truth, the existing population of the District of Columbia represents to no small degree the results of a process of selection. It is largely made up of people far above the average in every respect who have been drawn from every State and district in the Union. We have no backward counties, no congested sweat-shop districts, no untouched centers of recent and unassimilated immigration. By whatever test it may be customary or practicable to gauge the intellectual, moral, social, or economic level of a community, by every such test the people of the District of Columbia will be found to rank among the first.

Is objection made because of any failure on our part to contribute our full share to the maintenance, protection, and upbuilding of the Nation? Here again let any test one chooses be applied. In peace, and in war, the people of the District of Columbia have always done more than their full share, have invariably given, in blood and in treasure, more than was asked or expected of them. Such being the incontestible facts of the case, we can do no less than repeat the words of the historic address of the Virginia House of Burgesses to Governor Dunmore: "To us it appears that those who bear equally the burdens of government, should equally participate of its benefits."

NO STATE DEPRIVED OF EQUAL SUFFRAGE.

We are not aware of any objection to the merits of our cause which would warrant further discussion. It has been objected, however, that one provision of the Constitution presents an insuperable obstacle to an amendment admitting the people of the District to representation in the Senate.

The point made is, that to do so would necessarily affect the guaranteed equality of the States in that body. What is relied on, of course, is the last clause of Article X, "and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

But manifestly a State is not deprived of its equal suffrage in the Senate by reducing its existing aliquot proportion of the total number of Senators exercising the lawmaking power. October, it would have to be conceded that the original States were deprived of their equal suffrage in the Senate by the admission of Vermont. And so on at each succeeding admission of a State.

What, then, does equality here mean? It means that no State shall have greater representation in the Senate than any other State. In what way, we may ask, would the presence of one or two Senators from the District of Columbia operate to give any State greater representation than any other State? Clearly the amendment we propose will not deprive any State of its equal suffrage.

This clause in Article X is the sole provision in the text of the Constitution to which it is possible to point as offering even an apparent bar to what we propose.

REPRESENTATION NOT CONFINED TO "SOVEREIGN" STATES.

There is a somewhat vague and delusive argument, not grounded on any particular provision of the Constitution, which is frequently met with. It usually runs in this form: Nothing but a sovereign State can have representation in the Senate. Representatives of the District, therefore can not be admitted there unless, by a total repeal of the 10-miles square provision, the District is first made a full-fledged State. In order to accomplish that result, Congress would have to surrender its control of the Federal district.

Now, this argument, let us repeat, is not grounded upon any specific provision of the Constitution, much less upon one that is immune from amendment. It has its origin only in certain abstract and supposedly philosophical deductions regarding the nature of a Federal Government. It will not bear analysis. Nor does it express any cardinal principle of our Constitution.

To say that the Senate is now composed only of Members selected by the States is merely to declare an obvious fact. That is simply because the Constitution as it stands provides that "the Senate shall be composed of two Senators from each State." Formerly it went on to say "chosen by the legislatures thereof," but that is a thing of the past. What remains, however, is no less subject to amendment. There is no fundamental principle of our Constitution which forbids its amendment so as to admit into the Senate any more than into the House of Representatives Members who shall represent an integral part of the country, such as the District of Columbia, without any necessity of requiring that area to be for all conceivable purposes precisely like the existing States. In fact the existing States are not all on an absolute parity outside of their equal representation in the Senate, for the scope of the law-making power of several is limited by conditions in the acts by which they were admitted.

The theory we are now discussing is plainly a survival of the exploded notion that Senators are, in essence, ambassadors from sovereign States. This notion was once regarded as a necessary corollary of the most extreme form of the State rights doctrine.

There was, indeed, a certain historical excuse for it, so far as the original 13 States were concerned. But whatever warrant it once had ceased altogether when new States began to be carved out of the western territory. In the admission of new States, such as Wyoming or Idaho, Arizona or Oklahoma, all basis for it vanished altogether. Especially now that Senators are elected by the people, there is no assignable reason why the national Senate should not include representatives of any territory occupied by an organized body of American people whose numbers and importance qualify them to be represented. It is not at all necessary that such a body should have the same kind of local government as is possessed by the States.

Since Senators are now everywhere elected directly by the people the people of the District of Columbia, to the extent of their right to do the same thing, would stand in the same position as the people of a State. For all purposes connected with representation in the national Congress that is sufficient. State legislatures no longer elect Senators. It is manifestly immaterial, then, for the purpose that the District would have no legislature. In truth, State legislatures when they elected Senators did not act as legislatures in the real sense of law-making assemblies, but only as specially designated bodies of electors. In performing that function the members of the two houses of each State legislature acted without regard to the extent of, and wholly apart from, their functions as lawmakers for the local community.

The fallacy of the whole contention under consideration consists in confusing the traditional conception of the States as a group of sovereign Commonwealths combining in their corporate capacities to form a limited Union, with the essential and permanent constitutional conception of representative gov-

ernment by Houses composed of Representatives chosen by the people of defined territorial areas having such a socially organized life as constitutes them convenient and reasonable units of political action.

The District of Columbia presents the case of just such a political unit. Neither in the fundamental framework of the Constitution nor in the text of any of its provisions is there anything incompatible with recognition as such.

When Burke was warring with furious fervor against the doctrines of the French Revolution he declared, "The rights of men in governments are their advantages." We have come to realize that there must be a deeper basis for that irresistible desire of men everywhere for a voice in the governments which mold their destinies.

SUMMARY OF ADVANTAGES EXPECTED.

But since the question is one that may fairly be put to us, it seems proper that we should sum up in plain words what we believe to be the advantages which will follow from granting the people of the District a voice in the National Legislature. Those advantages we conceive in the main to be three:

In the first place, it will materially assist Congress in the dispatch of its business. Just as the presence of accredited Representatives from each and every State aids the general body in solving the problems which affect the people of each State, either directly or indirectly, as a member of the Union, so the presence of similar representatives of our people will necessarily aid in the disposition of the questions concerning the community which more and more press upon the attention of Congress in its capacity as the constitutional legislature of the District. The execution of its higher functions as the Legislature of the Nation will be just so much facilitated.

In the second place, it will assist us to a better government. Participation in the work of legislation by men entitled by their own direct and intimate personal knowledge, as well as authorized by the mandate of the people, to speak and act in our behalf can not fail to insure the enactment of legislation suited to our real needs, the correction of neglected evils in our legal system, the due maintenance of our schools and public institutions, the passage of enlightened social legislation, the solution of the thousand and one problems of modern life which confront us just as insistently as they confront the people of Maine or Oklahoma. What sort of legislation would the good people of those States expect to get from a local legislature, however well disposed, from which their every inhabitant was rigidly excluded?

Finally, we count upon this recognition of our rights as citizens to work a transformation in our own spiritual life. We expect to see a new birth of public spirit, of civic pride, of social energy, of democratic idealism, of all, in fine, that the world, in these latter times, has come to know and love and trust as Americanism.

Nor need anyone fear that the beauty and grandeur of the Nation's Capital will be marred or its prosperity retarded. We are deeply concerned with the material upbuilding of this community. We, too, wish to see full scope given to the energy, industry, and talent of our people. We look forward to a Capital which in beauty and splendor shall rival the most famous cities of the ancient and modern world. But material prosperity is not our sole preoccupation. Neither architectural magnificence nor increase in public wealth, nor even the widespread diffusion of material comfort is for us the real end of life. What we hope and pray for is that our National Capital shall be one of the great spiritual centers of the country; that it shall unite and express all that is best and worthiest in American life; that every section and element of our vast people shall here behold, as in a mirror, a reflection of whatever is finest and noblest in themselves.

In what way, we ask, can this hope be fulfilled otherwise than by admitting the inhabitants, the citizens of the National Capital to their rightful participation in the government of their own country? For a community debarred from the exercise of political rights, however cultivated or wealthy, can never truly reflect the national character of the American people.

Representation in the Electoral College will yield results equally advantageous in the executive government of the Capital.

IV. Every other national capital, including the other three Federal districts, has full representation in the national Government of its country.

WASHINGTON THE ONLY NATIONAL CAPITAL WITHOUT NATIONAL REPRESENTATION.

The United States is the only country in the world that does not give the people of its capital the same national representation which the people of its other cities enjoy. Most of the capitals are, of course—like London and Paris—not under the direct and specific control of the nation, as in this Federal District. Three countries—Argentina, Brazil, and Mexico—have copied our provision for a national capital in a federal district controlled by the nation, but they have found no difficulty in giving full national representation to the people residing in those nation-controlled capitals. Buenos Aires is represented by 2 senators, and in the Chamber of Deputies by 1 representative for each 33,300 inhabitants; Rio de Janeiro by 3 senators elected for nine years and by 10 deputies elected for three years; Mexico by 2 senators, and in the Chamber of Deputies by 1 representative for each 60,000 inhabitants. All these vote, like other cities, for the executive officers of the national Government.

In each case the executive is appointed by the federal Government. These countries have not only followed the example of the United States in establishing federal districts, but have set an example to the United States by providing for those capitals on republican representative principles and giving, in fairness and justice, representation in the national legislature to citizens who must obey the laws which that legislature exacts.

We append a statement compiled from official reports and other authentic information as to the relations of nations of the world to their capitals:

Relations of nations of the world to their capitals.

	1	2	3	4	5	6
Capitals.	Does capital pay national taxes like other cities, and does nation spend liberally national money on national objects at capital?	Does nation encourage increase of local taxable resources?	Does nation contribute toward municipal expenses, either discriminating in favor of the capital in this respect or contributing alike toward all the cities of the nation?	Are the people of the capital represented in the national government?	Have the people of the capital any voice in questions of local taxation? Do they control or participate in the municipal government?	Is there any special equitable obligation upon the nation to develop or maintain the capital?
I. Capitals in Federal districts under national control—all republics: 1. Washington ...	(1) Yes; (2) yes...	No; discourages.	Yes; discriminatingly under half-and-half provision of act of 1878.....	No.....	No; Congress exercises absolute and exclusive legislative control. Three municipal executives (commissioners) appointed by President.	Yes; (1) That arising from the circumstances of the creation, planning and upbuilding of the infant capital, and the trusts coupled with gifts of land to the nation in part for the capital's development; (2) The obligation that is coupled with and measured by the nation's absolute and exclusive control of the nation's city. Obligation follows power. This obligation is in the case of Washington extraordinarily great.
2. Buenos Aires.	(1) Yes; (2) yes; lavishly. (See under question 3.)	Yes.....	Yes; meets entire cost of specific expensive municipal items like police, fire department, etc., and part cost of such items as education, sanitation, including water supply and drainage. The docks and harbors of the city constructed and controlled by national government, which also shares control and expense of creation and improvement of great avenues and streets, like Avenida de Mayo. In 1912 Argentina contributed toward police and fire departments alone \$7,500,000. In the main contributions are discriminating—in favor of capital.	Yes; by 2 Senators and by members of Chamber of Deputies, 1 for each 33,000 inhabitants.	Yes; through an elected council. The intendent, the official corresponding to mayor, is appointed by the President, subject to the approval of the Senate.	Yes; a slight obligation corresponding to the degree of special and peculiar control exercised over the Federal district and the national city by the National Government. Obligation follows power.

Relations of nations of the world to their capitals—Continued.

	1	2	3	4	5	6
<p>Capitals.</p>	<p>Does capital pay national taxes like other cities, and does nation spend liberally national money on national objects at capital?</p>	<p>Does nation encourage increase of local taxable resources?</p>	<p>Does nation contribute toward municipal expenses, either discriminating in favor of the capital in this respect or contributing alike toward all the cities of the nation?</p>	<p>Are the people of the capital represented in the national government?</p>	<p>Have the people of the capital any voice in questions of local taxation? Do they control or participate in the municipal government?</p>	<p>Is there any special equitable obligation upon the nation to develop or maintain the capital?</p>
<p>1. Capitals—Federal districts, etc.—all republics—Con. 3. Rio de Janeiro.</p>	<p>(1) Yes; (2) yes; lavishly. (See under question 3.)</p>	<p>Yes.....</p>	<p>Yes; meets cost of specific municipal items like police, illumination, education (in part), etc. Grand plans for city improvements, taking shape in 1892, were in the beginning financed by national loan of \$40,000,000 and municipal loan of \$20,000,000. Total improvements estimated at \$200,000,000. These plans include the construction of magnificent avenues, like Avenida Central and Avenida Beira-Mai, quays, docks, enlargements, elevation of railroad beds, enlargement of water supply, revision of sewerage system, municipal theater at cost of \$5,000,000, etc. In the main national contributions are discriminating in favor of capital.</p>	<p>Yes; by 3 Senators elected for 9 years and by 10 deputies elected for 3 years.</p>	<p>Yes; through a city council of 10 members elected by direct suffrage for 2 years. The chief executive is the prefect (mayor), appointed for 4 years by President and confirmed by Senate. The prefect has larger powers in respect to municipal regulations than an American mayor, executive decrees taking the place of legislative action.</p>	<p>Yes; an obligation corresponding to the degree of special and peculiar control exercised over the Federal district and the national city by the National Government through the prefect and through Congress. Obligation follows power.</p>
<p>4. Mexico.....</p>	<p>(1) Yes; (2) yes; lavishly. (See under question 3). On beautiful avenues like Paseo de la Reforma. On great drainage projects like Viga Canal. On fine public buildings, including educational institutions, etc.</p>	<p>.....do.....</p>	<p>Yes; discriminatingly. Under organic act of 1903 federal government has entire charge of finances of district and all municipal taxation of every kind is treated as national taxation. Appropriations for the federal district are carried in the general federal budget and in theory are not differentiated from any other federal expenditure, and the revenues are considered likewise. Comparatively little revenue is derived from the city in direct taxation on property after the American fashion. * * * The improvements made in Mexico * * * and other Latin-American cities have been made through direct expenditures by the national government.</p>	<p>Yes; by 2 Senators and in Chamber of Deputies by 1 Representative for each 60,000 inhabitants. On same footing as State.</p>	<p>Yes; the Federal district is divided into 13 municipalities, each with its elected municipal council, which must be consulted in respect to all important municipal concerns, which has a veto power in respect to such municipal projects that can be overruled only by the President. These councils have no direct affirmative law-making power. The Mexican Congress is the sole law-making power for the federal district. The municipal executives are the</p>	<p>Yes; the obligation which is coupled with and measured by power and control is strong in the case of Mexico City. As with us, Congress is the capital's exclusive legislature, but unlike us Mexico City has full representation in the National Congress. Like Washington, Mexico City has as municipal executives 3 officials appointed by the President and confirmed by the Senate. But Mexico City, unlike Washington, has an advisory and negative or veto</p>

word in respect to its municipal affairs through its elected municipal councils. Mexico, the nation, is under no special obligation to its capital of the first kind, specified as operating for the benefit of Washington, and its obligation of the second is not so strong, as we have seen, as in the case of Washington. But there remains a substantial equitable obligation which the nation has recognized and met. (See under question 3.)

governor of the federal district, the director general of public works, and the president of the superior board of health, appointed by the President and acting ex officio as the governing council of the federal district.

ernments without regard to the amounts of local taxes collected in the capitals, and from what has been said above it can be seen clearly that no regard could be had to these local taxes, since where such exist they are inconsequential."—Pan-American report comment. Thus Mexico, the nation, collects from its capital local taxes which are authoritatively declared to be inconsequential, and then disregarding entirely the very small contribution of the local community appropriates liberally from the national funds (to which the residents of the Mexican capital contribute just as Washingtonians do) for municipal objects. For example, in 1912 Mexico Nation appropriated from national funds for Mexico City \$1,282,300 for police and fire departments; charity, including hospitals, \$782,302; street paving, \$352,208; street lighting, \$215,420, etc.

Yes. Contributes heavily for specific items, over \$2,000,000 annually for police, about one-half cost. Large fixed sum for street and sidewalk making, paving, etc. (See for details p. 170, Bowerman's type-written report.) France discriminates against other French cities in its great expenditures upon Paris.

National government contributes only small sum for certain educational expenses. No discrimination in favor of capital.

(1) Yes; (2) yes; lavishly.

Capital is treated same as other Swiss cities.

5. Paris.....

6. Berne.....

Yes. Through elected municipal council with authority over taxation and loans. Nation participates through prefect of Department of Seine (mayor of Paris) and prefect of police, who are appointed by central government. The people of Paris or a section of them demand greater autonomy in their municipal government. They protest against the strict national supervision which is exercised.

Yes; autonomous.....

Yes.....

.....do.....

Yes. Nation exercises special and peculiar control over Paris which it does not assert in respect to other French municipalities. Paris is the only French city without an elected mayor. The obligation imposed by the special control over Paris reserved by France has been met ten times over by the nation, which in patriotic pride has lavished millions upon its capital.

No. No special power or control, no special obligation. Obligation follows power.

Relations of nations of the world to their capitals—Continued.

	1 Does capital pay national taxes like other cities, and does nation spend liberally on national money on national objects at capital?	2 Does nation encourage increase of local taxable resources?	3 Does nation contribute toward municipal expenses, either discriminating in favor of the capital in this respect or contributing alike toward all the cities of the nation?	4 Are the people of the capital represented in the national government?	5 Have the people of the capital any voice in questions of local taxation? Do they control or participate in the municipal government?	6 Is there any special equitable obligation upon the nation to develop or maintain the capital?
<p>Capitals.</p>						
<p>III. Capitals of locally self-governing British colonies: 7. Ottawa.....</p>	<p>(1) Yes; (2) dissatisfaction with national contribution in national appropriations.</p>	<p>Does not discourage.</p>	<p>No general or discriminating contribution. Dominion meets certain expenses connected with Government property. Appropriations for improvement commission for parks, boulevards, driveways, etc. To meet dissatisfaction over national contributions proposed to assimilate to District of Columbia financial arrangement. (See p. 169, Bowerman.)</p>	<p>Yes.....</p>	<p>Yes; autonomous. Dominion does not participate at all in municipal government.</p>	<p>No. No special control. No special obligation. Obligation follows power.</p>
<p>8. Cape Town, legislative capital Union South Africa.</p>	<p>Capital is treated same as other municipalities.</p>	<p>.....do.....</p>	<p>Union Government owns harbor board area and pays fixed sum, mutually agreed upon, in lieu of taxes. Government pays for municipal services, water, light, etc., like a private individual. It maintains police department and contributes to education.</p>	<p>.....do.....</p>	<p>Yes: autonomous, with slight limitations.</p>	<p>No.</p>
<p>9. Pretoria, administrative capital Union South Africa.</p>	<p>(1) Yes; (2) See under question 3.</p>	<p>.....do.....</p>	<p>Laws do not provide for national contribution of any fixed proportion of total municipal expenditures, but a lump sum in a fixed amount has been voted annually since 1910 by the National Government. This amount is not satisfactory to the local taxpayers, whose taxes have been largely increased and who complain that the Government pays only about one-third of the amount that would be paid if national property were taxed like that of an indi-</p>	<p>.....do.....</p>	<p>Yes.....</p>	<p>Do.</p>

10. Canberra.....			vidual. (See Bowerman, pp. 185-186.) Located in a Federal district thirteen times as large as District of Columbia. National Government proposes to own and control everything about capital, including title to all land in the district. If present plans are carried out by party now in power, an interesting socialistic government ownership experiment will be tried. (See Bowerman, p. 164.)			Yes. Nation will exercise vast and exclusive power and control. Its obligation will be equally vast. Obligation follows power.
IV. Capitals of monarchies of democratic tendencies:						
11. London.....	(1) Yes; (2) yes.....	Yes.....	Yes. (See Bowerman, p. 178, et seq.)	Yes.....	Yes. Local autonomy in taxation. Local municipal authorities have greater powers than Paris council. (Bowerman, p. 176.)	Slight. No peculiar exclusive control over capital. Equitable obligation has much more than been met.
12. Brussels.....	.....do.....	Does not discourage; no discrimination.....do.....	Yes, but no discrimination in favor of capital; subsidies for education, police, etc.	Yes. People of capital on same footing as others.	Yes. Elected municipal council. One councilor selected by King as burgomaster. Same in all cities.	No. No peculiar control; no peculiar obligation.
13. Copenhagen.....	.....do.....	.....do.....	Capital is apparently treated in every respect like other Danish cities.	Yes.....do.....do.....	Yes. Municipal council with national prefect of interior supervising. People of Athens seek larger municipal power and freedom of action.	No.
14. Athens.....	.....do.....	Does not discourage.....	Capital is apparently treated like all other Greek cities.	.....do.....	Yes. Elected council with national government represented by prefect.	Slight.
15. Rome.....	(1) Yes; (2) yes, lavishly since 1870.	Yes.....	Yes. Since 1870, when Rome made royal capital per capita municipal tax multiplied by ten. Municipal and national governments cooperating to make Rome one of world's finest capitals. For streets municipal loan of \$30,000,000 guaranteed by government. (Bowerman, p. 179.) City debt burdened. Complains of heavy taxes. (Bowerman, p. 180.)	.....do.....	Yes. Elected municipal assembly. Mayor appointed by minister of foreign affairs with sanction of Emperor from 3 candidates elected by assembly	Slight. (Rome thinks more should be done by nation at national expense.)
16. Tokyo.....	(1) Yes; (2) yes.....	Does not discourage.....	Yes, but no discrimination. Certain equitable contributions as in other cities.	.....do.....		No.

Relations of nations of the world to their capitals—Continued.

	1	3	3	4	5	6
Capitals.	Does capital pay national taxes like other cities, and does nation spend liberally on national money on national objects at capital?	Does nation encourage increase of local taxable resources?	Does nation contribute toward municipal expenses, either discriminating in favor of the capital in this respect or contributing alike toward all the cities of the nation?	Are the people of the capital represented in the National Government?	Have the people of the capital any voice in questions of local taxation? Do they control or participate in the municipal government?	Is there any special equitable obligation upon the nation to develop or maintain the capital?
IV. Capitals of monarchies of democratic tendencies—Continued.	(1) Yes; (2) yes....	Does not discourage.	Yes, but no discrimination. State contributes toward certain municipal expenses (police, health, education, etc.) of all municipalities.	Yes.....	Yes. Near local autonomy in all cities, limited by influence exercised by national government especially over finances. An elected city council and 3 executive officials (magistrates or mayors) appointed by the King. Municipalities dissatisfied seek to elect the magistrates or abolish them. (Bowerman, p. 183.)	Slight.
V. Capitals of more strongly centralized monarchies:	(1) Yes; (2) yes, lavishly.	Yes. (See Bowerman, p. 29.)	Yes, but no discrimination. Subventions for police, education, etc., to all German cities.	.....do.....	Yes. Near local autonomy in taxation. Council has greater nominal powers than Paris council. Bowerman, p. 175.)	No. Nation has, but as rule does not exercise, unlimited control over capital and other municipalities. There is no peculiar equitable obligation to capital alone.
18. Berlin.....	.....do.....	Yes.....	Yes. Not for specific objects but in lump sums, part of certain state taxes. Similar contributions may be made to other American cities.	.....do.....	Yes. Near local autonomy with supervising veto power in national government.	No. Apparently no peculiar control actually exercised over capital upon which to base peculiar equitable obligations.
19. Vienna.....	.....do.....	.....do.....	Yes. No general contribution but equitable portion of certain municipal expenses (police, disinfecting plant, etc.). May be no discrimination in principle in favor of capital.	.....do.....	Yes. Municipal council elected for 6 years. State participates through minister of interior.	No.
20. Budapest.....	.....do.....	.....do.....				

V. There is general agreement among the people of the District of Columbia in favor of national representation and this opinion is fully represented by the citizens joint committee.

The general support for the proposed amendment among the citizens of the District of Columbia is indicated by the long list of important civic organizations represented in the citizens joint committee.

These organizations have advocated the proposed amendment with great earnestness. The citizens generally of the District of Columbia are not content to remain deprived of their American birthright of representation in their National Government. The organizations which are represented in the citizens' effort to get national representation for the District of Columbia cover all sections of the national capital and all sections of its population. Washingtonians differ radically as to other questions involving the granting of the franchise, including the form of the local government and the qualification of voters, but the constitutional amendment commands the support of the people generally and the controverted questions may well be postponed until after the vital matter of the national representation of the people of the District has been decided in their favor.

The organizations represented in the Citizens Joint Committee on National Representation for the District of Columbia are as follows:

Board of Trade (2,100 members).

Chamber of Commerce (1,100 members).

Federation of Citizens' Associations, representing 41 sectional citizens' associations, as follows: Anacostia, Benning, Brightwood, Brookland, Cathedral Heights, Central, Chevy Chase, Chillum Castle-Woodburn, Cleveland Park School-Community, Columbia Heights, Conduit Road, Connecticut Avenue, Congress Heights, Georgetown, Kalorama, Kenilworth, Lincoln Park, Mid City, Mount Pleasant, North Capitol and Eckington, North Washington, Northwest Suburban, Park View, Petworth, Piney Branch, Rhode Island Avenue Suburban, Randle Highlands, Sixteenth Street Highlands, Sixteenth Street Heights, South Washington, Southeast, Stanton Park, Takoma Park, Trinidad, West End, Washington Civic Association, Washington Society of Fine Arts, American Institute of Fine Arts, Arts Club of Washington, District of Columbia Society of Architects, Society of Nations. These associations cover nearly the entire District, with an aggregate membership (estimated) of 20,000. Many of these sectional associations have, in addition to participation through the federation, separately indorsed District national representation through constitutional amendment and have appointed cooperating campaign committee.

Central Labor Union, representing 90 local unions and 7 local auxiliaries, with aggregate membership (estimated) of 85,000.

Merchants and Manufacturers' Association.

Monday Evening Club.

Bar Association.

The Suffrage Group of the City Club.

Association of Oldest Inhabitants.

District Delegate Association.

Citizens' associations not represented in the federation, including East Washington, Northeast Washington, and Southwest Citizens' Associations.

Washington Real Estate Board of the District of Columbia.

Advertising Club of Washington.

Woman's Bar Association.

Manual Training Teachers' Association.

Citizens' Committee of Forty in Favor of Popular Government for the District of Columbia.

Twentieth Century Club.

COOPERATING ASSOCIATIONS.

The local branch of the National American Woman's Suffrage Association.
The American Federation of Labor.

EXECUTIVE COMMITTEE.

Officers citizens' joint committee: Chairman, Theodore W. Noyes; first vice chairman, John Joy Edson; second vice chairman, A. Leftwich Sinclair; third vice chairman, Charles S. Shreve; treasurer, Robert N. Harper; secretary, Louis Ottenberg; Ross P. Andrews, Joseph Berberich, George F. Bowerman, E. C.

Brandenburg, Chapin Brown, Walter A. Brown, William Clabaugh, Roy C. Clafin, William McK. Clayton, E. E. Clement, E. F. Colladay, C. J. Columbus, John F. Costello, C. F. Crane, Jesse P. Crawford, J. Harry Cunningham, Samuel de Nedry, John B. Dickman, Hugh D. Digney, John Dolph, W. T. Galliher, H. H. Glassie, C. J. Gockeler, Earl Godwin, William F. Gude, Harry A. Hollohan, Joseph D. Kaufman, James Hugh Keeley, Phil King, Wilton J. Lambert, John B. Larner, J. Wilmer Latimer, M. A. Leese, James T. Lloyd, A. T. Macdonald, Henry B. F. Macfarland, Arthur Marks, P. T. Moran, Mrs. Ellen Spencer Mussey, Roy L. Neuhauser, E. W. Oyster, James F. Oyster, Fred J. Rice, George H. Russell, Albert Schulteis, George G. Seibold, Odell S. Smith, Jesse C. Suter, Corcoran Thom, Washington Topham, William B. Westlake, and A. S. Worthington.

Honorary members: Ex-Senator Henry W. Blair and Justice Wendell Phillips Stafford.

This measure is presented as one of justice and equity which will make the people of the District of Columbia American citizens in fact, as well as in name, in rights as well as in duties.

Respectfully submitted.

HENRY B. F. MACFARLAND,
A. S. WORTHINGTON,
HENRY H. GLASSIE,
E. C. BRANDENBURG,
CHAPIN BROWN,

EDWARD F. COLLADAY,
A. LEFTWICH SINCLAIR,
JOHN B. LARNER,
WILLIAM MCK. CLAYTON,
THEODORE W. NOYES, *ex officio*,
Committee on Brief.

Mr. BRANDENBURG. Mr. Chairman, with your permission and consent, I would like to have Mr. Glassie heard at this time.

The CHAIRMAN. There are only eight minutes left. We all have appointments at 4 o'clock. Do you desire to proceed for those eight minutes?

Mr. GLASSIE. It will not take me very long, but there are some suggestions that have been made to which I should like to reply, and I should not feel like galloping through in eight minutes. It would not be fair to the committee or to myself.

The CHAIRMAN. I think it would be better for you to be the first speaker at the next hearing on your side.

Mr. GLASSIE. Very good.

The CHAIRMAN. I think we will try to have a hearing on Monday at 2 o'clock. Those opposing suffrage will be heard at that time. I do not suppose you will need the full two hours.

Mr. AYERS. Not unless I have two other speakers here, but I think I will have them here and probably will consume the entire time.

The CHAIRMAN. Those who are in favor of suffrage must divide the time between yourselves. You are divided into two distinct classes. You must divide this time to the satisfaction of both classes, because you all come under the heading of those favoring suffrage. It is not up to the committee to divide the time. It is up to you people to effect some sort of unanimous agreement, as we try sometimes to do in the Senate.

Mr. LLOYD. There is a very important element of population in this city that the committee has not heard from yet, which I think should be heard from. Mr. Wallner is here to-day as the representative in part of that element, and is one of the best representatives of the colored element. He wants to be heard, and I am anxious that he shall have an opportunity to be heard at some time during the hearings.

The CHAIRMAN. That is entirely up to the committee. I gave you 12 hours, and I think I have been very liberal.

Mr. LLOYD. I do not think he will require a great deal of time, and I hope the committee can give him an opportunity to be heard.

(Whereupon, at 4 o'clock p. m. the committee adjourned, to meet again on Monday, November 21, 1921, at 2 o'clock p. m.)

Whase

SUFFRAGE IN THE DISTRICT OF COLUMBIA.

MONDAY, NOVEMBER 21, 1921.

UNITED STATES SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C.

The committee met, pursuant to adjournment, at 2 o'clock p. m., in the committee room, Capitol, Senator L. Heisler Ball presiding.

Present: Senators Ball (chairman), Capper, Sheppard, and King.

Present also: Col. Winfield Jones, representing those favoring the bill providing for a Delegate in the House of Representatives;

Mr. E. C. Brandenburg, representing those favoring the adoption of the Jones resolution, providing for a Constitution amendment;

Mr. G. W. Ayers, representing those opposed to any form of suffrage in the District.

The CHAIRMAN. The committee will be in order. Two hours to-day will be given to those opposed to any representation in Congress or any suffrage for the District.

I would like to submit a statement for the record, made by Chief Justice Taft.

Mr. AYERS. Is that the speech he made at the dedication of the City Hall?

The CHAIRMAN. In reply to Justice Stafford's address on the same subject. It reads as follows.

President Taft began by speaking of himself as a "has-been" taxpayer and resident of Washington, had invested some money in land and had not seen a dollar come out of it; he had sent his children to the public schools; he had hung on the street car straps and he has bathed in the Potomac mud in his bathtub, prior to the period that Congress had given us our great filtration plant; and he claimed that he had been through the experiences that ought to give him some of the local atmosphere and the local feeling; and yet, with all that, he possesses the views I wish to present to you, after years of constant study on the situation.

In reply to Justice Stafford he stated:

"It is a little difficult for me to realize that it was about Washington and the citizens were the slaves that Mr. Justice Stafford spoke. This city is the home of the Government of the Nation, and when men who are just as much imbued with the principles of civil liberty as anyone who have come after, Washington at the head, put into the Constitution the provisions with reference to the government of the District of Columbia they knew what they were doing and spoke for a coming possible 80,000,000 of people, who should insist that the home of the government of those people should be governed by the representatives of that 80,000,000 people; and that if there were in that 80,000,000 people men who desire to come and share in the grandeur of that capital and live in a city of magnificent beauty as this was, and enjoy all the privileges, then they come with their eyes open as to the character of the government that they were to have; and they must know that they must depend, not upon the principles ordinarily governing in popular government, but that they must trust in order to secure their liberty, to get their guaranties, they must trust to the Representatives of 80,000,000 of people, selected under that Constitution.

"Now, I want to say, let the citizens act by right of petition, using the right continually; and as they are not exercising that right all the time, is it not possible to determine on the part of the committees of the House and the Senate what the attitude of the Washington citizens is? Why, the government that we have to-day in Washington everybody admits is a good government. Has it not been

brought about through the aid of those very committees in the House and Senate, who you say know nothing about Washington and who make their knowledge or lack of knowledge ridiculous by showing it? We are all imperfect. We can not expect perfect government; but what we ought to do is to pursue practical methods and not, I submit, with deference to Justice Stafford, make it seem as if the people of Washington were suffering from some great and tremendous load and sorrow, when as a matter of fact they are the envy of the citizens of other cities.

“Washington intended this to be a Federal city, and it is a Federal city, and it tinges down to the feet of every man, whether he comes from Washington city or Los Angeles or Texas, when he comes and walks these streets and starts to feel that this ‘is my city. I own a part of this Capital, and I envy for the time being those who are able to spend their time here.’ I quite admit that there are defects in the system of government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system. But I submit to the judgment of history that the results vindicate the foresight of the fathers.

“Now, I am opposed to the franchise in the District. I am opposed, and not because I yield to any one in my support and my belief on the principles of self-government, but principles are applicable generally. And then, unless you make exceptions to the applications of these principles, you will find that they will carry you to very illogical and absurd results. This was taken out of the application of the principle of self-government in the very Constitution, and was intended to put that in force in every other part of the country; and it was done because it was intended to have the representatives of all the people in the country control this one city and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the Nation. And this is the representative of that Nation.

“I have got over being frightened by being told that I am forgetting the principles of the fathers. The principles of the fathers are maintained by those who maintain them with reason and according to the fitness of the thing, and not by those who are constantly shaking them before the mass of the voters for the purpose of misleading them. Now the question arises: What shall we do with the government of Washington? I am strongly in favor of maintaining the municipal form, so that everything which shall affect the city of Washington shall be done under the chief executive of that city and by that chief executive. In other words, I would give an entity to the city of Washington, or the District of Columbia, and take all of that entity out of the operation of the bureaus of the General Government. That is what I understand to be the government to-day; and the only question that has been mooted is really whether one man should be put at the head of that government as a mayor, or whether you should have three. I agree that probably three men are better where you have real legislative functions to perform. I am inclined to think that where the legislative functions are reduced to a minimum and consist in little more than mere executive regulation that possibly the one-headed form is the better for executive purposes and to fix the responsibility; but I am only thinking out loud and only because we are here talking right out in meeting. I am telling you the reasons as they have been brought to me.”

Right here President Taft referred to some things which have already developed in the meantime under the supervision of these District committees, with especial reference to the speedway, Potomac Park, Rock Creek Park, our municipal golf links, polo grounds, etc.

“Then, the opportunities for playgrounds that there are in Washington. It just makes my mouth water for my poor city of Cincinnati when I look out and can see clear down to the Potomac, see six or seven baseball matches going on, with all the fervor of young America and nobody to say them ‘nay’; and to think that we had a genius 100 years ago, almost in his way as matchless as Washington, to make the plan for a great capital, like the Frenchman, Pierre Charles E. de L’Enfant, and whose plans are hardly changed in the new plans made by Burnham and his associates. There has been a feeling that, perhaps, it was slipped on to us at one time and slipped in at another; but we all know, even my dear friend, Uncle Joe, knows that we are going to build up to that plan some day; and we ought to thank God that we have a plan like that to build to, so that when we go on with the improvements every dollar that we put in goes to make Washington beautiful 100 years hence.

“It is very true that the early statutes said that no building should be put on anything but the Maryland side of the river; and, perhaps, the people felt that, as we were not going to use that side for building, they did not need the Virginia side at all. I have never been able to satisfy myself that retrocession was within the power of Congress to make. It was dodged by the Supreme Court; and it might be possible by agitating the question to induce another settlement by which we should get the only part of that that we would really like to have, and we own now in fee the 1,100 acres of the Arlington estate, and a great deal that is unoccupied, leaving Alexandria out and Falls Church, and taking in only that that is inhabited, so that we may have in the District, under our fostering control, where we can build roads and make the District still more beautiful that bank of the Potomac on the other side as you go up toward Cabin John Bridge. We will need it—the city will continue to grow. It may be, as Justice Stafford said: ‘That there will be inaugurated a protest by the people living here that they have not political power.’ But I think that the Justice will find, when he comes to look into the hearts of the American people, that they will not be convinced when they come to Washington that Washingtonians are suffering to that degree that requires a reversal of the policy adopted with entire clearness of mind by the framers of the Constitution. Washington, who doubtless inserted that particular provision in the Constitution, through his influence, also had L’Enfant draw the plans of Washington, and the plans of Washington were not adapted to a village like Alexandria and the village that was in the District at the time we came here; but was adapted to a city of magnificent distances and to a city of millions of inhabitants; and, therefore, the clause was adopted knowing that just such a city we would have here and that just such a city would have to get along relying upon the training in self-government of the Representatives of 80,000,000 people to do justice by it.

“I am deeply interested in the welfare of the District; I am deeply interested in securing a good government to every man, woman, and child in the District, and to secure, so far as is possible with the original plans under the Constitution, such voice as the people of the United States may require in their local matters.

“When it comes to defining how this is to be given I can not be any more explicit than to say it must rest ultimately on the right of representation and petition. I do not see how you can do anything else.”

Mr. BRANDENBURG. Mr. Glassie was the next speaker on our side. You remember there was not quite time enough for him to address the committee when I concluded my remarks at the last meeting. He is very anxious to be heard this afternoon if possible.

The CHAIRMAN. How long will it take you, Mr. Glassie?

Mr. GLASSIE. It depends upon the number of questions that are asked me. I should say it would take me about 20 minutes.

The CHAIRMAN. Are there any objections?

Mr. AYERS. Yes, sir. I gave them one hour. I would prefer to open this myself, but if it is your judgment and desire to hear Mr. Glassie, of course that will be satisfactory to me.

The CHAIRMAN. I will give you 20 minutes more after 4 o'clock if you will let Mr. Glassie make his address. He is a busy man and has been here every day.

Mr. AYERS. I will be glad to do that.

The CHAIRMAN. That will not come out of the time already granted.

STATEMENT OF HENRY H. GLASSIE, ESQ.

Mr. GLASSIE. Mr. Chairman, it is not my purpose to make a set speech or to consume any great length of time. If I had that desire, the patient courtesy with which the chairman and members of the committee attending the hearings have shown toward the other speakers would restrain me, because it is not my purpose to travel over the same ground. If I do appear to travel over it at all I shall do it with the purpose of trying to emphasize certain points from a different angle; also with the purpose of endeavoring, as far as I am able, to reply to some of the important inquiries that have been raised by the chairman and members of the committee.

The thirteenth clause of the eighth section of Article I of the Constitution confers upon the Congress the power to exercise exclusive jurisdiction in all

cases whatsoever over the District, not exceeding 10 miles square, which shall by the cession of particular States and the acceptance of Congress become the seat of government. Those for whom I speak do not desire or intend to impair, to alter, or to diminish that sovereign power over the District of Columbia in any particular whatsoever.

But it is not necessary, Mr. Chairman, to remind the members of a committee composed of Senators sitting in the greatest deliberative body in the world, that the power of legislation, the great extensive power and function of legislation, falls into two well-known and fundamental classes:

First, is the power of legislation as applied in creating, determining, defining the laws which should govern as between man and man; the law of property, the law of contracts, the law of master and servant, the law of landlord and tenant, the law of employer and employee, the law of carriers and persons who are being carried, and the thousand other ordinary rules that govern the relations of men in society.

The second well-known class of legislation is that which has for its object the enactment of laws governing the organization and administration of the powers of government themselves.

Now, those two classes are both found under the head of legislation, but they are still naturally and essentially distinct, although sometimes overlapping. The question I wish to put to the committee is this: How does the District of Columbia stand with respect to those two great fields or spheres of legislative activities?

Mr. Chairman, in the District of Columbia, there is no relation of life so small, so private, so personal, that your power as a legislator in this Congress does not extend to it. You are called upon, your predecessors have been called upon and your successors in all time will be called upon to mold, to frame, to alter, to improve the laws that determine the lives, the property, the fortunes, the domestic relations of every living soul within the District of Columbia. You have no such function, Mr. Chairman, with respect to the States.

The CHAIRMAN. If there were no changes in the law that would be so.

Mr. GLASSIE. Ah, but the law grows. If it was made for our ancestors and it did not grow, it would be a yoke upon us. If the law did not grow and develop and change in accordance with the economic necessities, then the domestic and social life of the people would not be what it is to-day.

I want to show you, if I may, from a slightly different point of view from any I have heard here, how the object of this resolution bears upon this question. In your legislative capacity, sir, high, important as it is, in no other part of the United States do you exercise this function, not even in the Territories which have been classed with the other property of the United States, because in those Territories it is the invariable custom, when there is any population at all, to set up a local legislature which shall deal with the lives and the fortunes and the customs of those people. Even in our foreign dependencies, such as Porto Rico and the Philippines, that same rule prevails.

The CHAIRMAN. The distinction is that this District was laid out for a specific purpose.

Mr. GLASSIE. Yes; I am coming to that. I have paid great attention to that specific purpose, not only for this discussion, but as counsel for the United States in a number of cases involving the laying out of the city where I have given some particular study to the purposes and objects, and what those objects sought to accomplish, and I shall not pass them over.

But what I am endeavoring to drive home, if I can, is this: That when you are legislating for the District of Columbia you are legislating for a group of human beings, bound up in a social bond, in a manner in which you do not legislate for any other class of people.

Now, let us take the other division of your great legislative power. That is, as I said, the power in relation to the making of laws for the organization and administration of government itself. How does that stand with respect to the District of Columbia? You are called upon to determine all of the detailed life of a municipality; you are called upon to scrutinize appropriations; you are called upon to deal with new methods of taking and of using property in respect of roads, in respect of streets, in respect of bridges; you are called upon to deal with the charities; you are called upon to deal with educational matters; you are called upon to deal with public utility functions, and all of the other manifold functions of a great modern municipality. And again I say, Mr. Chairman and gentlemen, in performing that function you perform a function that you do not otherwise perform in respect to any

other property or any other territory or any other part of the United States. You are a board of directors for this municipal corporation. What other municipality do you control in this detailed and intimate relation of life? None. So I say that in this second great division of legislative functions your legislative powers differ, not in degree only, but in kind from every other function that you perform by virtue of your great legislative office.

Now, what is it that we ask? We ask simply that in performing this function you shall perform it with the aid of duly accredited and legally constituted representatives of the people affected.

Now, the question has been put to us, Mr. Chairman—and it is an important and searching question—“Are you dissatisfied with your present local government? Why do you want to vote? Are you dissatisfied with your present local government?” I say, so far as the organization and general administration of this local government is concerned, no. We accept the commission form of government, and we accept for present purposes the appointment of those commissioners in the present manner and the confirmation of the civilian commissioners by the Senate of the United States.

But, Mr. Chairman, that does not solve the problem. While we are not seeking to overthrow the form of our local government, we do say that in the past, and we are therefore afraid in the future also, the spirit of that local government, the mode in which it has functioned within that form, the mode in which particularly it has failed to function, is such that we believe that you will perform your function, your duties, far easier and far better if you have this duly accredited voice.

The CHAIRMAN. I would like to ask a few questions as you go along to bring out some matters suggesting the difference between your understanding and my understanding of that government.

Mr. GLASSIE. Yes.

The CHAIRMAN. What was the object of laying out the District of Columbia and making it what it is—the home of our Government and under the jurisdiction of Congress?

Mr. GLASSIE. May I answer that now?

The CHAIRMAN. Yes; I shall be glad to have you do so.

Mr. GLASSIE. I think I have read everything that has been said on this subject by the founders, and I have read all the cases that have dealt with it. I think, and I answer your question this way: There was one supreme, controlling reason, and it was to have in the District of Columbia absolute legislative power vested in the United States, and not divided between two conflicting jurisdictions—the Federal Government and a State.

The CHAIRMAN. We thoroughly agree on that.

Mr. GLASSIE. Yes; there was no other reason. And the idea, Mr. Chairman, that because that was the purpose it was also the purpose to deprive the citizens of that territory of all the ordinary status of citizens is a mere delusion, and it is contradicted by the action of the very first Congress that ever dealt with the question.

The CHAIRMAN. When this District was laid out as the site of our Government was it not intended that it should be a home for the Government and a home for those people who were to participate in the affairs of Government and, I might add, to take care of those who participated in the Government?

Mr. GLASSIE. May I answer that now?

The CHAIRMAN. Yes.

Mr. GLASSIE. I say I think I know perhaps as well as most people the history of that in detail. The intention was to make this not only the seat of government, so far as legislative power and authority extend, but in founding this enormous Capital, this Capital of magnificent distances, with streets wider than anybody had any use for, with miles and miles and miles of blocks—it was the intention of Washington in laying out the city, it was the intention of the commissioners, it was the intention of everybody concerned, as I can prove by their very words, to make a city here which should rival in wealth, in population, and in commerce the city of London itself. Why did they select this place here? Look at the records and maps and see what is written on the location maps of this city.

As Ellicott said, this was the greatest harbor of that time for sailing ships, the greatest harbor on the Atlantic coast, and the natural exchange point, as Washington demonstrated, between deep-sea commerce and the commerce of the mountain region. There was no idea that this place should be a reservation of Government officials and Government clerks when this very building that we

sit in here was built, sir, out of the money that was derived from advertising this real estate scheme. They sent into Holland, into the Netherlands, into the country which is now Belgium—it was not Belgium then—the low countries, into every commercial port in Europe, and advertised these lots and these squares for the purpose of inviting merchants here, foreign merchants, to do business and to build up a great commercial emporium. Washington used those specific words, that it should be “The greatest commercial emporium in the United States.” He got on his horse and rode 600 miles through the country back of here for the purpose of demonstrating that the Potomac with canal improvements would greatly enhance the value of all that land, and that it would be the great avenue between the coast and what he called in his own words “The rising empire of the West,” the Ohio region; that the natural, proper, shortest, best, most economical line of communication between those parts of the country was through the Potomac River, and the Government was seated at this junction here for that particular purpose.

The CHAIRMAN. Did those reasons finally determine that the Government should be seated here?

Mr. GLASSIE. Yes, sir; they were the controlling reasons.

The CHAIRMAN. Or was it not a compromise between Hamilton and Jefferson?

Mr. GLASSIE. There has been talk about that, that it was the effect of the compromise of the debt. It was not a big enough question for that.

The CHAIRMAN. It was a big question at that time.

Mr. GLASSIE. The location of the city was not a question comparable with the question of a public debt. That was a practical political problem.

For 10 years after this city was founded there was a continuous lobby, continuous propaganda, to prevent it being moved here at the time appointed, and they hurried the construction of the buildings and the sale of lots for the purpose of forestalling the opposition that developed against locating it here.

The question of whether it should go north or south was the question that affected the compromise of the debt, not the question of whether it should be placed at the junction of the Anacostia and Potomac Rivers. There were any number of places offered for it, but that was the thing that determined its location on this flat. The city of Washington, with the exception of Capitol Hill, was located in an alluvial flat, because it was hoped it would be a commercial center, a great center of social and human life. It was never intended to be a reservation inhabited by Government officials and persons deprived of all semblance of ordinary citizenship.

The CHAIRMAN. Was not this land dedicated almost entirely to Washington?

Mr. GLASSIE. No; it was not dedicated. That is another mistaken notion. That land was “donated” for a price.

The CHAIRMAN. Donated for a particular purpose?

Mr. GLASSIE. Yes; the city, not the District. But how was it donated? When they started out, Mr. Chairman, Mr. Jefferson was Secretary of State. His idea was to get enough land to build the public buildings, but that was not all. They wanted more than that. Why? Because they wanted a city, not merely a site for public buildings. They said, “Here is a plan of a city”—not a public building site. It was to be a city bigger than any other existing city in the country. Isn't that a significant fact, that they planned a city which was to be larger than any other city then in the United States?

They said, “We want you to give us the land to build the city. You will give all of the land. We will take half of that land and you take the other half. We will both sell it.” No one, no people, would want to live in the country. “We will take the proceeds of our half and we put up the public buildings; you take the proceeds of your half and put it in your pocket.”

Why were they willing to do that? Because the location of the city, not of a public building site, raised the price of farm lands, and they would make a profit from their half of the unearned increment, and the United States would make a profit from its half of the unearned increment, and out of that this building was primarily built; not at first, because they couldn't sell it quite fast enough, but Maryland loaned them the money.

But that was the great cardinal fact. It was a donation for a common purpose. “You give your land and we will put a city on it. Your land will go up. We will get half the city and you will get the other half.” And they sold it.

As to the public buildings, the ground for the public buildings was not donated. That is another delusion, due to the fact that many people will talk about things and not take the trouble to inquire into them. The land for this building, the land for the public reservation, was paid for by the United

States out of the proceeds of the sale of its half of the lots at a fixed price. That is the way the city was founded. You can read the evidence found on page after page, in letter after letter, memorandum after memorandum, of the commissioners for the laying out of this city, and you can not escape the conviction that the whole purpose was to make a great Capital; that the original idea of simply putting up the buildings was abandoned; and that it was the intention of everybody to make this Capital a place where people should live like other human beings. Of course, at the outset there was only a handful here.

The CHAIRMAN. Why was it necessary to have the home in the Capital? You say it was intended to make it a big city, and not a home for the Government.

Mr. GLASSIE. Oh, no. It was intended to be a big city in which the home of the Government should be located.

The CHAIRMAN. I want to ask you a few concrete questions.

Mr. GLASSIE. Yes, sir.

The CHAIRMAN. Why was it necessary at all to locate the Capital in some city over which Congress had control.

Mr. GLASSIE. Because they wanted control. They wanted Congress to have control, and we want Congress to have control.

The CHAIRMAN. But were they not compelled to do it to preserve order? You are familiar with the history of New York and the history of Philadelphia, where there was a conflict at all times between different authorities?

Mr. GLASSIE. Quite true. It was because of that. Mr. Madison answered it.

The CHAIRMAN. They wanted a place where the Government would be supreme.

Mr. GLASSIE. Exactly. They wanted it, Mr. Chairman, because then the States were strong and old and the Federal Government was weak and new. That is the point which must not be overlooked. It was the clear purpose of the founders to have a territory in which there should not be any lawmaking power except their own. Why? Because they did not want to have the two lawmaking powers; they did not want to be under the pressure of local legislatures, like the Pennsylvania Legislature, that was turned out by the soldiers; they did not want a divided sovereignty; they did not want a divided legislative power. Why? Mr. Madison tells you why. He said in the Federalist, No. 44, that the balance between the Federal and State governments "was much more likely to be disturbed by the preponderancy" of the latter than of the former.

Just think how that sounds to-day, gentlemen, with the power of the United States, and what has happened in a hundred years. Yet Madison's idea was that the preponderancy of the States was more likely to prevail than the preponderancy of Congress. Therefore, Congress wanted an asylum. It wanted a place where it spoke, and nobody else spoke. That was the reason, and it was a good reason. We still believe in it. We still believe it should be a place where Congress alone speaks.

But that does not mean that a class of people shall be denied a voice in Congress and that another class shall be given a voice in Congress. The whole thing boils right down to this point, and you are right, Mr. Chairman, in emphasizing it, for this reason among others: This whole discussion turns back inevitably in the minds of all here to the question of what the founders wished. You are not naturally inclined to say to 500,000 people: "I do not think you should have any voice in government." That is not your natural inclination, sir, if I may take the liberty of so expressing myself. You would say: "My people at home, myself, we have a voice." And so we want a voice. Everybody wants a voice.

The CHAIRMAN. You must remember that while the population of Washington is about 450,000, perhaps half of that population are not bona fide residents of Washington. It differs from any other city in the United States or in the world.

Mr. GLASSIE. I am going to come to that. I think I can find something on that point. I want to cover that point. I shall endeavor to answer that. I trust you will believe me when I say I shall not attempt to evade anything. If there is any reason that can be urged against me, I want to try to deal with it. I don't care how much it hurts. But I want to come now to the point where I can clear the ground of this fundamental objection that everybody seems to have to giving these people the right to vote.

You say, "The fathers did not give it to you, and did not intend to give it to you, and therefore, though I believe human beings should be represented in

a representative republican form of government, and you are human beings, are intelligent, have property, lead decent lives, we feel we ought not to give it to you for that particular reason." That reason is the thing that is much mentioned here. That idea that the exclusive power of legislation, which was given to make the voice of Congress the only voice in the District, means that the people of the District should have no part in that voice is the thing I want to direct myself to. The fathers wanted to have one voice here, one jurisdiction here, one everything here, and they got it; and we say they ought to have it. But that does not imply that the people here should be a voteless people.

The CHAIRMAN. You will find in the original grant that this land was given for a specific purpose. "We, the subscribers, in consideration of the great benefit we expect to derive from having the Federal city laid off upon our land, do hereby give and bind ourselves, our executors, and administrators," etc. That land was given for the specific purpose of the location of the seat of our Government.

Mr. GLASSIE. For the city. What kind of a city did that plan cover? A city that was bigger than any existing city in the United States.

The CHAIRMAN. It was not for the foundation of a city, but for the foundation of the seat of the Government of the United States.

Mr. GLASSIE. Exactly; but it was to be a city. The Government was not to be in the wilderness.

The CHAIRMAN. What reason could be conceived for creating such a city in the United States unless the specific purpose of that was for the seat of our own Government?

Mr. GLASSIE. It was, of course.

The CHAIRMAN. That was the sole reason.

Mr. GLASSIE. It was for the seat of government, but that leaves the question open of what kind of a seat you are going to have. When you say, "Seat of government," you have not solved the problem. Of course, the whole thing was for the seat of government, but what kind of a seat of government? Would the seat of government be located in a village? Would the seat of government be located in a set of public buildings in a forest? When they went to those people to get the land, they got it on those terms. They laid down the map. Mr. Chairman, just as I would come to you and say, "I am going to take your farm." What did the map show? It showed that the purpose of the United States was to have for its seat of government the biggest city then on the continent. What did that mean? You can not separate the ideas, the city and the seat of government. The city is the seat of government, was intended to be the seat of government, but was intended to be a city. And you can not have a city without people; you can not have a city with people in it unless those people are like other American people. There was no reservation. There was no backstairs business. It was to be a great city. That fact is too big for anybody to get away from. When they presented their plan what was it for? A city. What kind of a city? Why, a city bigger than New York, a city bigger than Philadelphia, a city bigger than Charleston, a city bigger than Boston, a city bigger than any other city in the United States. What did they mean by that?

The CHAIRMAN. For what purpose was that city created? For what purpose was that land laid off in the city?

Mr. GLASSIE. To be the Capital of this Nation.

The CHAIRMAN. To be the Capital of this Nation?

Mr. GLASSIE. Yes.

The CHAIRMAN. Exactly.

Mr. GLASSIE. That is what it ought to be.

The CHAIRMAN. To be the Capital. By whom should that Capital be controlled?

Mr. GLASSIE. By Congress.

The CHAIRMAN. By the people interested?

Mr. GLASSIE. No; by Congress. The Constitution speaks with a voice that can not be mistaken when it says "Congress." You are the government of the District of Columbia, and you can not escape the responsibility.

The CHAIRMAN. There was no intention that it should be a home for those who were employed by the Government in dealing with administrative duties?

Mr. GLASSIE. Yes; but not exclusively that. Other people had to be here to feed and clothe them. The first thing they did was to sell out the water front at a special price per front foot. To help the Government? No. To bring Mr. Barry here; to bring all these other people here who were specially invited

to come and invest their fortunes, many of them soldiers of the revolution. Washington put it in these words: "To become," he said, "the greatest commercial emporium of the country." Washington was a man of sagacity, a far-seeing man. Not only a commercial emporium, Mr. Chairman, but the greatest commercial emporium. And when L'Enfant made his survey of this hill, and Ellicott came here and took his observations, they studied the harbor and on the map is written "Here is the harbor; here is the place."

I say we have an instinctive feeling that the fathers did not want this, but we do not stop to consider what they said. That is the best evidence of what they wanted, what they said, and what they did.

Now, in connection with that I want to emphasize this point: The idea of the founders was that there should not only be a total, complete, national sovereignty here, which has always existed here, but that these people were not to be a voteless people. What, in fact, did they do for the Virginia side of the river and for Georgetown? They created municipal corporations, and they elected their own officers. And they did something further than that. As soon as the control of Maryland dropped out and Congress actually moved here the first thing it did was to establish for the city of Washington a municipal corporation, governed by the people in the city.

We are not asking for a revival of that. Don't misunderstand me. We are not asking here for a municipal corporation, but I am putting that to you, sir, as an evidence—in my humble opinion evidence which is as clear as day—that they never contemplated these people here as being a voteless people; they never contemplated them as being stripped of all political attributes and political powers. They didn't take anything from the power of Congress.

What was the population of this place? It was a mere handful, Mr. Chairman. As the population grew and grew we find the Presidents, one after another, saying that these people should have representation. Representation in what? In the National Government. They already had representation in the local government. And the Presidents, one after the other, said these people now are numerous enough and important enough to have a voice in the National Government.

The CHAIRMAN. There is no doubt that what the framers of the Government had in mind was that the District of Columbia should have the best government that could be given it.

Mr. GLASSIE. Something more, sir. The best government, the best municipal government, was the government of the German experts. Every writer on municipal government that I have ever heard of, particularly that great and good modern social Democrat, who was formerly commissioner of immigration in New York, everybody who has ever written of municipal government, has borne testimony to the fact that the best administered municipalities were the German municipalities administered by a man appointed by the Kaiser who knew the business of city government. We say that is not the only kind of government. It may be good for sewers and streets, but it is very bad for human beings.

The CHAIRMAN. I want to ask you whether, when you had your own municipal officers and local government, that government was as satisfactory to the citizens as the government by Congress?

Mr. GLASSIE. I will answer that to the best of my ability. In comparing things you must compare them with reference to time, place, and circumstance. I might ask any man here, "Are you as good a man as your great-grandfather?" He would know a good many things his great-grandfather did not know, and could do a good many things his great-grandfather could not do; and maybe there were some things his great-grandfather could do that he could not do, or that his great-grandfather knew that he does not know. The question is not between the government by Congress to-day and the government of this little, struggling, wretched municipality 80 years ago. But I could answer that in more detail, Mr. Chairman.

One of the reasons why the local government was not a success when it was a municipality—

The CHAIRMAN (interposing). I want to ask you a question right in that connection.

Mr. GLASSIE. Very well.

The CHAIRMAN. Who controlled the government of Washington from the beginning of the seat of Government up to 1870?

Mr. GLASSIE. It was to a large extent the people, the local municipal officers. That subject is very full to anyone who has studied it. Allow me to answer it in my own way.

The CHAIRMAN. The point is that it was not until 1870 that you elected your local officers.

Mr. GLASSIE. I beg your pardon. We elected our common council 70 years before.

The CHAIRMAN. You probably did in part, but you never had a mayor and local officers of your government until that time.

Mr. GLASSIE. Oh I beg your pardon, sir. We elected our mayor and common council before then. It was a regular municipality, established by the act of 1802, amended by the act of 1809. That was a regular municipality, established under the law. Georgetown was a regular municipality, established under the law, just as much a part of the District but established under the Maryland law like every other town in Maryland. Alexandria was a full-fledged town under the laws of Virginia.

The CHAIRMAN. In Washington the land was given for a specific purpose. There was a different government for Georgetown, which had not been taken in as a part.

Mr. GLASSIE. Not essentially. They were essentially the same kind of government, two towns in the same county.

The CHAIRMAN. Three towns.

Mr. GLASSIE. No; one in Virginia and two over here. There was no essential difference between the government of the city of Washington as a local municipality and the government of Georgetown as a local municipality. Congress and the President were over both.

You say, "Was it a good government?" I say yes, as far as the resources of those people went. It had a wonderful set of mayors and a wonderful set of public-spirited officers in those years.

But here was the trouble, Mr. Chairman: The trouble was that the United States was a heavy property owner, a large property owner. It has no regular basis for contributing to local expenses. It largely dumped onto the local municipality the maintenance of these magnificent broad streets, which were intended for a great city, and this little struggling municipality was swamped year after year by a burden which it could not have maintained alone and did not maintain alone. But it had an honest government. It had a government that was satisfactory to its people.

And the government of Alexandria was satisfactory to its people, except in this, that it only went to streets and sewers and sidewalks and poles and such as that; but the great function of government, the great law-making function of government, was still in Congress, and Congress slept on it.

We waited here, sir, for a century for a code of laws that would relieve us from the common jest of the profession. We had a system of laws prevailing here, coming down from the common law through Maryland, with a few congressional statutes thrown in, and some local regulations, and the statutes of Maryland passed from the time of its early history down to the time of cession—a jumble of confusion. If we had been in Delaware the Delaware Legislature would have given us a modern system of laws. If we had been in New York the New York Legislature would have given us a modern system of laws. Every State in this Union had a modern code, had a modern procedure. The older lawyers of this country pointed the finger of scorn at the District of Columbia and said, "If you want to find out the law of the seventeenth century, go to the District of Columbia. If you want to know what the law is there, you have to get the English statutes and find somebody who knows which are in force and which are not in force; you have to look at the law of Maryland, and look at the bill of rights in Maryland, and look up the statutes between revolution and cession, and look at every act of Congress or the index of all its acts before you can say what is the law."

Why did we suffer under that? Because Congress is the Congress of the United States, and its great legislative functions are so wide that it has no time to deal with those things in the absence of advice and instructions from our representative.

And that system which I have described is growing again, growing again. Our system of laws governing man and man, our system of laws that deal with employer and employee, that deal with landlord and tenant, that deal with master and servant, that deal with husband and wife, and all those thousand things needs recasting in modern terms and with modern ideas.

Our landlord and tenant law, except for the changes made in the Ball Rent Act, has many ancient threads clinging to it and coming down from the time of Lord Coke. It has never been recast in the District of Columbia. You can't do it if there is nobody here to tell what we need and what we want. I mean to have the kind of voice that you have, a voice accredited, that speaks of right, that speaks by the mandate of the people behind it.

You ask me whether we are satisfied with our government. I say yes, we are satisfied with the form of the local administration; we are satisfied with the commission form of government. We are satisfied with all that, but that is only scratching the surface of the problem. We have a very good civil administration here. It is honest, and I think very efficient. It is probably not as good as the administration by the German burgomasters under the direction of the Royal Prussian Government, because it is not as expert as that.

But there are times, Mr. Chairman, when the people of this District are threatened with this present government, not because of the form of it, but threatened by virtue of the fact that they are without representation here, threatened with great injury. You may remember the great controversy that occurred some years ago about the schools, the question of the transfer of the schools from the normal and American method of a board of education to a mere department of the city government. It took the whole town to rise in unison and in desperation to come here to the Halls of Congress and have hearing after hearing before you and your colleagues to save the situation. It took almost an insurrection in public opinion to save what the people believed, and time has shown to be, the best organization, the best form of organization.

All that would have been unnecessary if you, sir, had been elected by us, or any other member of this committee had come from this town with the mandate of the people here, with the power of personal knowledge of that problem. So I repeat that while we do not object to the form of our local government, we are not asking any change in it, we are satisfied with the scheme of the organization, we say that government would function better, that Congress as the board of directors of this government would be able to function better, that Congress, having the power that it has over the lives and fortunes and habits and customs of these people, would function better, if you had somebody on your floor, sir, who had come from these people, who knew these people, was bred among these people, and was able to say to you what these people need authoritatively, in a legal way, through a legal channel, and not by mere vociferation, not by lobbying, not by the thousand other agencies to which they are necessarily driven to accomplish those purposes.

Now, it was said, and very pertinently said, "You have a population here of 437,000 people, and you have an area of 86 square miles." And it was asked, and very pertinently asked, "What is the ratio of population to the square mile?" Then it was argued or suggested that no other State which had been admitted had a population so dense. Then a suggestion came, and, if I am not mistaken, it came from the chairman, "Would you be in favor of separating the city of New York from the State of New York and creating that municipality into a State?"

Now, Mr. Chairman, the question is a little different from that, I submit. The city of New York is already represented in both Houses of Congress and in the electoral college, along with the rural part of the State, and the question of separating the city from the rest of the State is a question of creating two States. It is a question of giving representation to people already represented. Allow me to put the question this way:

If by some accident the five or six million people constituting the population of the city of New York, in an area no greater than ours, had no representation in Congress, no representation in the House or Senate, no representation in the electoral college, would anybody say that those five million people should not be represented because, forsooth, there is a density of 6,000 to the mile or 10,000 to the mile?

The CHAIRMAN. I do not think anybody claimed that you should not have representation on account of the density of population of the city, but it was claimed that Washington is not in the same category as any other city in the United States. You have stated in your remarks that Washington was not created solely for the seat of the Government. It was the expression of, I think, a member of the committee that it was created for that purpose. You claim it was created to be a great city and incidentally the seat of government.

Mr. GLASSIE. No; not incidentally. It was created to be the seat of government, but what kind of a seat of government? A city seat. A seat of government located in a city, and a great city. That is the point, and I can prove that statement by the words of Washington, that it was intended it should be a rival city of London, the seat of government of the Kingdom of England or the United Kingdom of Great Britain and Ireland.

The CHAIRMAN. It was created for that purpose.

Mr. GLASSIE. Paris is a seat of government. Does the fact that Paris has 5,000,000 people make it any less the seat of government? Is not the power of the United States in the District of Columbia, being exclusive in matters of legislation, as great, as supreme, as paramount, as exclusive as the French power over Paris? It is a question of exclusive legislative power that the Constitution founders had in their minds, and no other question except that.

They had a Federal Government for the first time, Mr. Chairman, in the history of the world whose laws operated directly upon the citizens of the State. Every other federal government tried before from the time of the Greek federation down were federal governments operated by the states and not operated by the citizens. Now, we have a system of government set up for the first time in the history of the world, Mr. Chairman; for the first time we have a Government set up here which will operate on me as a citizen of Maryland and a citizen of the United States, upon you as a citizen of Delaware and a citizen of the United States. You have had a dual responsibility in view of that fact that these people in this District owe one allegiance, are bound by one law, which is our law. I say that is right, and that is what you have had and that is what you will always have.

But what has that to do with the question of whether it is a big city or a little city, or whether the people in it shall be a voteless people or a people with votes? That is my point, sir.

The question was asked here by the Senator, "Do you want to have an imperium in imperio in the District of Columbia?" I say of course not. But what would give you an imperium in imperio, an imperium of government within an imperio of government? It would be another government. And what the founders did, Mr. Chairman, came near to creating another government than what we propose, because they kept alive that local government which had powers and officers of its own, executives of its own, a legislature of its own. But how could the effect of that be an imperium in imperio, how can anybody say we are asking for an imperium in imperio, when what we ask is not that there shall be a new government, a different government, but only that these people, like the rest of God's creatures in this country, shall be represented in that same Government?

Now, I started to take up this question of population. I quite agree with you that it is not a question of the density of population. People form governments, and people are no less entitled to representation in their governments because they live in cities than because they live in the country. The argument that because our density of population is high compared with our area, and that we should go forever unrepresented, is nothing but an argument that city people are not entitled to share in government when the same people scattered over a larger area would be entitled to share in government. We are not asking to be a State. A State means you have a self-government. Every State in this Union has self-government. There are two governments there. When a man goes to the post office to mail a letter he knows every moment of the time he is subject to two powers—the Federal power and the State power. We are not asking any such thing here. Therefore the question of whether or not the States which have been admitted had more or less area is, I think, beside the mark.

But if it was the idea of Congress that nothing should be admitted as a State, with permission to share in the duties and responsibilities of the Senate and House, but those bodies of organized human beings resident in territory which would be large enough ultimately to rival the original States in population, Congress, I am sorry to say, has been grossly deceived by that which is stronger than everything else, namely, time. If they thought that about Wyoming they were deceived, sir, for under the census of 1920 Wyoming now has a population of 194,402. If that was their idea with respect to Nevada they were again deceived, sir, for Nevada now, after all these years of statehood, by the census of 1920 has a population of 77,407. Not only that, sir, but a great State like Vermont, for economic reasons, instead of going on has gone down in its population until we have outstripped her, and if you look to

the future and what is likely to develop we will continue to outstrip her, and to one addition to the population of Vermont we will have two.

Now then, if the argument is that our density of population is so high that we are not entitled to representation, then this extraordinary consequence ensues—that the richer, the more populous we become, the less we are entitled to have the right of human beings, because if our density of population is now so large, what will it be when we have a million, and you have a real human beehive of a million people, still unrepresented? The question of population in that connection, I submit, has nothing to do with it. Cities are entitled to representation just as the country is. Paris is entitled to representation just like the Provinces and Departments of France are. London is entitled to representation, just as the people in the rural districts are entitled to representation. I say "London"—I mean the human beings in London are entitled to representation just as the people of Northumberland; but nobody would dream of denying to those people participation in their government.

How can anybody sit down and dream about the ill effects and the terrible consequences of it? What would they be? Here is a little handful of people as against the United States. Instead of the States having the preponderancy, as our great-grandfathers thought, the United States has the absolute preponderancy. Why, the thing is a dream. It is almost a joke now. Here is this great United States of 105,000,000 or 110,000,000 people confronted with this group of 400,000 people and saying to them: "If we give you a voice in our Government the Lord only knows what will happen."

The CHAIRMAN. Mr. Glassie, you may answer this question or not, as you choose.

Mr. GLASSIE. I will try to do so to the best of my humble ability.

The CHAIRMAN. The committee has not taken any position or expressed any opinion in regard to the question of density. I do not think that has anything to do with the question. But there is one thing that might have something to do with the question, in reference to the population of Washington, is to whether there are real Washingtonians, as to how many of this 450,000 are citizens of other States. A large part of them are. Can you give me any idea in regard to the number?

Mr. GLASSIE. I have lived here all my life, sir. I will give you the best information I have on the subject and what I believe to be the absolute truth about it.

The District of Columbia being made up, so far as its clerk population is concerned, largely by people coming in through the civil service, and prior to that time by appointment, drawn from the population of the entire United States.

The CHAIRMAN. That is about 100,000.

Mr. GLASSIE. Not at present. The normal population in that class was 35,000 before the war. And they are not all strangers. The situation is this, Mr. Chairman: Young people come here. Formerly old people came, but now it is generally young people. They come here from the States, and they keep a nominal State representation for political protection.

It reminds me of a story about Admiral Dewey, when he was in command of the Navy, in regard to a man assigned to certain duties in the Navy who claimed to have been appointed from Wyoming. The people in Wyoming went up to the admiral and said, "This man never saw Wyoming. He is not a citizen of Wyoming." Dewey sent for him and asked him about it. He told him he was and had lived in his early youth. Dewey said, "How long since you have been there?" He said, "I have not been there for 16 years." Dewey said, "I think you had better go back now and then and take a look at the old homestead."

That is the attitude of mind of many of these people who come here. They feel they are bound to keep, and that it is right for them to keep, a political foot in the State from which they come. But, Mr. Chairman, that is a very small part of the population of the District. And as those people stay in the Government service, and marry and have children and send them to school, that supposed relation to the outside State becomes thinner and thinner and thinner. And if these people had representation, if they had a voice in the affairs of their Government, they would give it all up. They keep that relation to the States because that is largely one way in which they feel they are still American.

I will illustrate that situation by myself. I was not born here; I came here as a child; I have lived here all my life. This was the center of my life; and

I have deliberately moved my home over the State line. I never would have done it had I had the right of a human being within the limits of the District of Columbia. Thousands of people are in the same condition. If they had a real right of an American citizen, they would be joined and mixed and mingled with the great mass of the population.

This idea that the great mass of the city of Washington is made up of people who vote elsewhere is a delusion. When an election occurs in the former State of any of those people, and they are asked to vote, many of them will vote, but that number is growing less all the time. It is a situation that can not survive against the man with a home, who marries and brings up his children, and whose children are born here. It is all very well to talk about people who came here, but lots of them came here when merely children. Thousands of people were born here, have not known any other life except Washington. This is their home. As Mr. Chief Justice Marshall said 80 years ago: "This is a social political community just like any other." Mr. Brandenburg calls my attention to the fact that three or four thousand was the maximum number of people who went back to vote in the presidential election out of a population of 400,000.

The CHAIRMAN. I think he must be in error in regard to that.

Mr. GLASSIE. I do not vouch for that, but I know from personal observation there were very few.

The CHAIRMAN. In Iowa and New York, where they are allowed to vote without going home, I know there were a great many. I think there were several thousand in Iowa.

Mr. BRANDENBURG. The figures we give are those who actually went back home.

The CHAIRMAN. The reason I made that statement is that I have a neighbor who was formerly a citizen of Iowa, and he voted in that way. I asked him how many Washingtonians voted in Iowa, and it was a surprisingly large number to me. I should think, if the number of people here from other States reach anything like the number from Iowa, that it would be twenty-five or thirty thousand.

Mr. GLASSIE. Let us grant that. The present population is less stable in that regard than the population has been since the Civil War. Every great war makes a difference in the life of Washington. Men came to Washington after the Civil War. They kept their political connections with the States when they found they could not vote, but when they married and their children were born and they went into their professions or businesses that all evaporated, and it is bound to evaporate. It would evaporate more if you did not force it, because of the very fact that you say to these people, "You shall not be permitted to vote here." And especially when the States will say, "We will not only permit you to come home and vote, but we will let you write home and vote," they will take that opportunity. It is no argument against the permanency of the population. People who own their homes in Washington, the people you trade with, the people you meet at church, the people you meet at the clubs or in society, the people you meet in business—the great mass of those people are rooted here just as you gentlemen are rooted in your homes and your own States. Some of us are tempted to flee for the very reason that we do not have what we can easily have by moving away.

The CHAIRMAN. If the right to vote should be granted to the people of the District of Columbia, what provision would you make for those people who are officers in the Army and Navy? There are a great many officers who are here probably six months or a year or so and are transferred from place to place. They are disfranchised, or the majority of them are, from the fact that they have no home. Would you make this a home at which they could vote, if they so desired?

Mr. GLASSIE. I will answer that in this way, if I may: This resolution provides that Congress shall establish the qualifications of voters. That is a question, when the power is granted Congress by this amendment, for the exercise of the legislative discretion of you gentlemen of Congress, and Congress will then have a discussion and debate and consideration of that question.

The CHAIRMAN. It is one of the contingencies that will arise.

Mr. GLASSIE. I should hope that Congress, in determining the qualifications of electors, would do very much as the States did and establish tests of residence, and also tests of intelligence and education.

The CHAIRMAN. Very few States have that now.

Mr. GLASSIE. No; but let us hope something of that kind may be done. That is a distinct legislative question. Once you have the power, of course, you will

establish such sane and safe tests of qualifications as your legislative judgment dictates, and, of course, residence will be one of them. This floating population you describe will be driven either to accept residence here or to retain their allegiance to their former home, just as we treat a citizen of any foreign country. We say, "You may return to your own home if you so desire." France said after the war, "You may continue to live in Alsace. If the Germans want to go back to Germany, let them go. Those who want to remain in France may do so." Those who want to vote in Delaware or Wyoming or Iowa will have that privilege and may retain their citizenship in those States under the local law. But you will set a standard. You will prescribe residence for a certain period, a certain age for the voter, educational qualifications, or whatever tests you think should be proper, and it will be automatic. It will solve the question automatically. Army officers should have the privilege of retaining their home residence somewhere. They can do it more easily in some States than in others. That is a question to be settled by Congress—one of the details Congress will have to deal with once the power is granted.

I was speaking for a moment of the question regarding that portion of the population composed of clerks and Government employees. I feel that while that is a problem that ought to have attention, the idea of the floating character of that population is greatly exaggerated. Of the 35,000 people who constituted the normal civil service just before the outbreak of the war, the great mass of those people had been taken in gradually by individual appointments and had been merged into the great mass of population, particularly the older ones. Now, this sudden increase which took it from 35,000 up to 100,000—it went up, as I remember, to 105,000 or 106,000 or 107,000.

The CHAIRMAN. One hundred and forty thousand.

Mr. GLASSIE. At the very peak the best figures I have seen was an increase of between 60,000 and 70,000.

The CHAIRMAN. At the peak there were 142,000 employed in the District.

Mr. GLASSIE. It made an increase of approximately 100,000 people. That increase was largely temporary. It was largely made up of young people— young girls. That has been eliminated to a large extent. Those people who have been appointed and have lost their places have either gone away, gone back to their homes, or they have sought employment in civil occupations, in business life, and have been merged into the population.

Now, of the 77,000 remaining, by far the largest bloc is composed of the employees who were here before and are essentially a part of the ordinary life of the city. It is a mistake, Mr. Chairman, I submit, to consider those 77,000 people as outsiders. They are largely our own boys and girls, graduated in our own high schools, many of whom have been employed temporarily by the Government. There is no man around this table who does not know that. They come from Georgetown, from the Conduit Road, Wisconsin Avenue. I know those people. We have people like that employed in our own offices who have gone out of the Government service and come back into ordinary business. Thousands and thousands of those people are Washington people.

So out of the 77,000 by far the greater majority are just as much citizens of the city, living and dying in the city, as any other class of people. Out of the remainder, those who keep up a political connection with the States from which they came will keep it more under the present condition than they will under the other condition. So you can not take the absence of voting as a test of what would happen if we had a vote. That would not be right. You could not tell what this room would be like if you reduced its temperature to zero when its temperature is not zero. If you give these people a vote, of course, it is going to be much more attractive for them to vote at home, where they can take part in the discussion and hear the speeches in the presidential election, than it would be to go and vote by mail a thousand miles away.

So you will have a power, you will require an election of residence, and you will provide for that in your law. It will not be a difficult thing to do. You will provide just as our forefathers did when they said, "You shall have an opportunity to retain your British citizenship or rather your status as a British subject." So you will say to these people, "If you want to vote in Iowa you can continue to do so, but if you want to vote here you must do what we say, you must obey our regulations, you must surrender your vote elsewhere, you must pay a poll tax, or whatever test we choose to give you." And that will put an end to that problem.

While I am on this, let me touch upon another question that is always difficult, and that is the race question. I don't want to blink anything. If I didn't

believe what I was saying I would not take the time to come here and trouble you with it. That is a difficult question. I am a Democrat, Mr. Chairman, and I was born in Tennessee. That has nothing to do with the discussion, of course, except to show that I want to be frank about it.

If the question here were the question of setting up an independent government, if it were a question of a Territorial legislature with power to vote on men's affairs, or a municipality with self-governing powers, there might be some question as to whether it would be wise in any community with a large population of a distinct class—and I am not casting any aspersions on that class—of a distinct race, where it may give rise to race problems or control or balance of power. It might be a question whether it is wise to restore a State legislature or a Territorial legislature or a municipality under a popular vote. But that is not the question. There is no balance of power here to be used to control property, to tax property out of existence either directly or by the pretense of local improvements. All it means is that you would have a general mass of voters entitled to cast a vote for a representative in this august body.

Now, whether it went to one party or the other is a thing that people interested in partisan politics must look out for. Whether it means that any particular party or some other party will, or will not have a majority is a part of the vicissitudes of political life in America. But a question of race control, of race domination, could not conceivably arise under a vote which is given for Federal purposes alone. And it does not make any difference whether you agree with Mr. Lesh as to the character of the Negro population or whether you take the opposite view of it. Much is to be said on both sides. We have extraordinarily fine Negro citizens here, judges and officials to some slight extent and doctors and people of that kind who practice among their race, people of land and property. We have another kind of population that is worthless, but you have them everywhere. It is not here a question of a single racial unit dominating a local situation which is a question that men fight about in the part of the world where I was born. It might be well to take a position against the possibility of the social and domestic life of the community being controlled by a racial element holding the balance of power, but that has no more to do with this question than the question of whether Lithuanians are Poles. It is a question entirely removed from this subject we are now dealing with. Who would have the hardihood to say that the great mass of people in this city are going to follow control by the Negro race? It has nothing to do with local government or voting for local officers. Not even a dogcatcher's election would come under the control of these people. It would not make any difference if the Negro voted along with the white man, with the same qualifications. That is the question which you will deal with in your wisdom at the proper time.

Mr. Chairman, I realize that I am trespassing unduly upon your limited time and indulgence.

The CHAIRMAN. It is a very interesting discussion.

Mr. GLASSIE. I feel that I have talked longer than I ought to talk, but I am talking straight from the heart and mind and mean every word I say.

The question is raised as to the past experience in the Territorial legislature. They say, "Do you want to come back to the feather-duster legislature?" and all that. Why, no, no, a thousand times no! The feather-duster legislature was the result of an effort made after the Civil War, during the period of reconstruction in the Southern States, contemporaneous with reconstruction in South Carolina and reconstruction in Mississippi, to attempt to give a local self-government vote to these people and to allow the newly enfranchised Negro to participate in that vote. Washington was filled with them, who had flocked here as refugees from the South, from Maryland and Virginia. Many of them I have known personally, and know how they came and when they came and why they came. Worthy Negroes, many of them, of course, but a new class of people, never before exercising the right of suffrage, never before given any share in the government. We came along and dumped those people in, and Congress gave us control of local operations, or a local government.

What has that to do with our being now, even if conditions were the same, given a vote with respect to Federal and National Government? If we had a local government, and the balance of power was controlled by a worthless minority, or a racial bloc, or any other kind or set of people, we would have that problem to deal with as men and citizens. We would have to unite to defeat it, if we could, and I am free to say the passions of the Civil War have all evaporated, and the Negro has been put on a good deal better status, a

better plane, and men no longer are divided by the shout and sound of partisan politics. The people of the District of Columbia would come pretty near to handling that question if they were confronted with it, but they are not confronted with it. They do not ask to be confronted with it. And, therefore, I say, with great respect to those who have indulged in it, that all the discussion in regard to that is based upon a false premise. It is based upon the premise that you are setting up a territorial, local, autonomous, self-government. You are not doing anything of the kind, and you are not asked to do anything of the kind.

Now, Mr. Chairman, I think there are one or two points I should like to cover, and I shall be happy to conclude and give an opportunity to somebody else.

One point comes from a question that was propounded—I don't know that I grasped it fully—by one of the members of the committee, perhaps the chairman himself, at the last meeting. It ran this way, and I say it has to be considered. All these questions are searching questions. They ought to be considered and ought to be answered. But if we do answer them the answer ought to be taken along with the question.

It was suggested that we would be in a peculiar situation here; in other words, that we would be only "State," if the District is represented in Congress, which would be directly governed by Congress. It is a very searching question. I think it is not so much a question as it is a suggestion. It was an expression of opinion.

It is true. There is no escaping that. It is perfectly true. There is that distinction. But let us examine it, if I may, a little more in detail. We would be the only State represented in Congress which is directly controlled by Congress. There is a good deal in that word "State." We would not have any of the characteristics of a State, except representation in Congress. Now, that representation, under the modern election of Senators by popular vote, comes down to saying that we would be a body of people represented in Congress, the only body of people represented in Congress, directly controlled by Congress. Then I say, if you state it that way, what difference does it make whether we are or not? The more intensive the control of Congress, the more duty Congress has in a legislative capacity with respect to that group of people, the more reason that group of people should have a representative to leaven the mass. It is still a question of control. Why put ourselves back in our ancestors' position and begin to think about something preponderating over the United States? Think of a State preponderating over the United States. Not all the States, mind you, Mr. Chairman, but any State. There was a time when Mr. Jay resigned the position of Chief Justice of the Supreme Court of the United States to become governor of the State of New York.

Men are honored now to be Chief Justice of the Supreme Court of the United States after they have been President of the United States. It is not a question of "preponderancy," to use Mr. Madison's phrase. If that had anything to do with it we might pause; but all there is to it is that there would be a body of people casting individual votes for a Representative, or, if the population was sufficient, for two Representatives, and casting a vote for a Senator. And your reasons for not granting that arise from the fact that the body—not the Senator, not the Representatives themselves—but the great, august body in which those people want a representative, controls those people.

So I say the fact is incontrovertible. The point is a searching point, but when you look at it closely there is no danger, no evil consequences. And so it is nothing except an accentuation of the dire necessities of these people and their desire to have some little voice, a one-four hundredth in the House or one ninety-ninth part in this great body which is compelled to directly govern those people whereas you do not directly govern even the Territories, because you set up other agencies, and do not directly govern the dependencies, because you set up legislative tribunals to deal with the problems which affect those people.

Mr. Chairman, I remember not so long ago walking down the street and meeting a noted builder in Washington and discussing the rental situation and housing situation with him. I will not mention his name, but I will vouch for the truth as to this little incident. He said to me, "The great trouble in the city of Washington is the difficulty and expense of getting the capital now to build. It is the price of money, as much as the price of building materials." He turned to me a little more as we were walking along and said, "Who raised the legal rate of interest in the District of Columbia to 8 per cent?" I said,

“Congress.” He said, “I don’t mean that.” He said, “Who was behind it? I do not take a position for or against it being raised. I am only illustrating it. He said, “Did you ever hear of it before?” I said, “No. I will admit that there were amendments to the code which, so far as I had seen, related to some matters of procedure, certain more or less detailed amendments to the code, and I never saw it myself.” He said, “I didn’t either, and I have never found a man in Washington who could tell me where the original notion came from of changing the legal rate of interest from 6 to 8 per cent.”

What does that prove? I don’t say it was right or wrong; but consider the deep consequence to this city of not knowing that it was contemplated to make a great economic and legal alteration like that.

If we came to you now, sir, with a new code, a modern code of procedure, and came here with modern laws dealing with all these great relations of life, what time would you have to deal with it, especially when you are uninstructed by any authorized Representative? Why should you listen to me or these gentlemen or anybody else? We are but volunteers, after all, even if we represent, as many of us do, large organizations. That is not the way to create a government. That is a kind of sovietism, if you look at it from the standpoint of political philosophy. It is an attempt to govern by groups—so-called plural sovereignty. Every interested group comes in and says, give us this or that or the other. American, republican, constitutional government emphasizes the fact that the citizen of such a Government, irrespective of what group he belongs to, what societies he belongs to, should have a voice through a direct political channel, speaking constitutionally and legally in the representative body.

And you want us to come here and hang on your lapels and your coat tails and say, “Do this and do that.” And you may be confident that I am telling you the truth, but you do not know how far, honest as I may be, that I or any of these gentlemen in advocating a particular thing may not have in our minds an unconscious mental bias, deep-seated, economic, complex, which affects our judgment. In representing and speaking for this mass of human beings, as I said before, if there was that direct authority, that duly elected constitutional representative to speak for these people, you would not hesitate to say, “Of course, I do not believe any such group of people should be in political slavery in the twentieth century.” Go back and examine our laws and history and tell me where there is any legal historical basis for treating these people as a voteless people?

Now, Mr. Chairman, not only do we think it is a question primarily of political rights, but I am trying to deal with it from the standpoint of government rather than the standpoint of the individual. All the people here—either those for a Delegate or those for representation in the real sense of the word—travel the same road together a little way. Then, of course, they separate into bypaths; but they are actuated fundamentally by the same desire, the same belief that the existing condition is not the best condition. When we come to that point, we find those who believe that nothing will serve the purpose but a real Representative. If you will allow me to ask you, what would it signify to you if you were given the same power to debate, the same power to confer that you now have, but were stripped of your vote as a Representative of the great historical State of Delaware?

We can not help thinking, sir, that a government is something besides those with a voice in this Senate, and that what is necessary is a man who stands on an equality in the council chamber with everybody else; and it is only the power to vote that makes the Senators equal, gives the Senators equal suffrage to carry out that constitutional requirement that the States shall be entitled to equal suffrage in the Senate. That makes a Senator. That power is essential, and can not be exercised by the mere voice. What we mean here is to have a man who can deal with you on terms of equality; who can, if necessary, vote against you, sir, just as you would feel it your right and privilege to vote against him. That great master in government, Burke, said, “All government is the result of compromise.” He said, in effect, “In all my political experience I do not recall a single measure in Parliament that was not better after debate and mutual concession and compromise than it would have been if any single element engaged in its composition had controlled it alone.” That is recognized as a great truth, and everybody who has had any experience in politics and business knows it.

What we want is a man who can talk to you face to face on your own footing, whom you will know is delegated by some constitutional, legal means to speak

to you in that way and to deal with you and vote with you or against you, if it is necessary, in that capacity. And so we all stand here for real representation, and not the shadow of representation by a Territorial Delegate.

And a Territorial Delegate is merely a device. He has no relation to this Government of ours here. The Territorial Delegate is an American device to represent a people not in a permanent status. We are in a permanent status. If it is changed, we will be in another permanent status. We are not in the process of development from a Territory into a future State. The Delegate is an invention devised to give the people in their infancy, their political incipency, so to speak, a chance to have some kind of voice, because it was deemed monstrous that even people like those should be deprived of every voice in the control of the Nation. Those people went along with a Territorial legislature, and they took care of their temporary legal problems and social problems under, of course, the general control of Congress. The Delegate is a part of a scheme of government which contemplated local self-government, and, for the tenth time, I say we are not contemplating local self-government. The Delegate is not a part or parcel of the system of government that we are asking for. You are now and forever the law-creating body for this mass of human beings. You are now and forever the organic ordinance-making, government-making power for these same people, and you can not escape that. What we want is a voice in it—not against it, not outside of it—a voice in it. A Delegate does not give us anything but an echo. He gives us no voice, because he gives us no power.

In conclusion, Mr. Chairman, we believe that when you have sitting beside you in committee, or when you have talking with you in the cloakroom, or when you have voting or debating on the floor of the Senate, a man that you can know is the representative of the needs and necessities of those people, or whom you can take as knowing them, at any rate, he will be a great help to you. For whether he does or does not represent them, he must and will come to a test. He may misrepresent them. It is possible that he will, but you will have the right to say, "Here is a man selected in a constitutional manner to represent these people, and this responsibility is his primarily."

So it will be an advantage to you. We think it will be just as great an advantage to us, just as in this body every State is represented. Every congressional district in every State has a man to represent it in this body. Yet Congress does not directly control all of those people, only in Federal aspects. There is no other part of the great continental United States that has not got a man with you who knows the effect which legislation of the kind contemplated would have on the industries of his own district and the people of his own district, and you can take council with him. So we say, as this helps every congressional district, every State, it will help us.

We are not fighting our local government; we are not fighting Congress; but the things that are important in this world are often unseen. You take a strike. What is the effect of a strike? It is the effect of what is not done. It is the invisible destruction of wealth that goes on while wheels stand still.

We may well be proud when we consider the fine records here, but think what it would have been if from the beginning we had been large and populous enough to have had an accredited representative in this body who could speak for us. There are thousands of things that ought to have been done, that might have been done, that remain to-day to be done, that have not been done because of the objections to them. What is the argument here about that? It reminds me of the objections that have been made to all the great constructive legislative acts of this generation, like the farm loan bill, employers' liability for carriers in interstate commerce, regulation of rent, and a thousand other things. The moment they are suggested somebody says, "Oh, that is unconstitutional." And very few of them could determine what is or is not unconstitutional. They simply say the founders didn't do it, and therefore we shouldn't do it.

I submit that the founders would have done it if they had been confronted with the same situation. If the founders had fixed upon New York, as they were asked to do; if the founders had fixed upon Philadelphia, as they were asked to do, for the seat of Government, and the State of New York or the State of Pennsylvania could have been induced to make a cession of the territory which would have given Congress the same exclusive power that it has over the District of Columbia, would Congress then not have dealt with the problem of the votes of those people in a different way from the way in

which they dealt with the people in this little struggling village? Our population to-day, if I am not wrong, is equal to if not greater than that of any one of the original States in the beginning of this Government, with the exception of what are known as the great States, such as New York, Pennsylvania, and Virginia.

Mr. Chairman, it may be well to suggest here, sir, that in the Constitutional Convention the Virginia plan provided for the election of Senators from senatorial districts, which would have been groups of population of approximate equality, and it was voted down. Who voted it down? Delaware voted it down; Connecticut voted it down; New Jersey voted it down; Maryland voted it down. Why? Because they realized that while they were not as large as these other States—I think Virginia's population was something like seven or eight hundred thousand at that time, if I am not mistaken, while Delaware, Maryland, Connecticut, and New Jersey were smaller States—they realized that two or three hundred thousand people or four hundred thousand people constitute a society—constitute a political society—and that the best brains, the best men, in the world were well employed in dealing with the laws and problems of those places. Here we have a similar group of people, just as intelligent, just as important, and we are told, "We did not give you the vote when you were nobody and you shall not have it now."

I thank you very much.

Mr. J. MILTON WALDREN. Mr. Chairman, I have been here for several sessions. I have asked the privilege of representing a class of people that have been frequently referred to, but I have not had a voice. I would be pleased if the committee would allow me to speak before you adjourn to-day.

The CHAIRMAN. I understand you are favorable to granting the franchise.

Mr. WALDREN. I am favorable in a way, but I want to express the ideas and views of the colored people.

The CHAIRMAN. This session was reserved for those opposed to suffrage, and while I permitted two hours to be consumed on the other side by those in favor of suffrage I feel I must now allow those who are opposed and have come prepared to speak to now proceed. I will promise to hear you at the next hearing. I can not tell when it will be. If those opposed will not keep us too late, I will hear you to-day.

Mr. WALDREN. I appreciate your right and I do not want to take the rights of anybody else.

The CHAIRMAN. I feel I must allow the people who came here with the distinct understanding that they should have the time to-day to proceed now with their argument.

Mr. WALDREN. I would not have arisen, but I thought they gave way to the other speakers and I thought possibly they might give way to me.

Mr. AYERS. The chairman requested that we allow Mr. Glassie to speak.

The CHAIRMAN. You may proceed.

STATEMENT OF G. W. AYERS, ESQ.

Mr. AYERS. I would imagine, of course, that Mr. Glassie is a lawyer. I would have answered later what I am going to answer now when I answered the questions of Mr. Lesh, but I will take it up immediately.

I believe it is an axiom of law that the written instrument itself is the only thing we can go by in equity law, if I am phrasing that properly. I am not a lawyer. They say this is a question of constitutional law. From the things that Mr. Glassie said, I don't see how we can say the fathers intended either one thing or the other. It simply was not done. It was left out of the Constitution and therefore has no place in the organic law and may not be read into it under any circumstances. That answers that feature of it.

Now, Mr. Glassie wants a change in the local government here to the extent that we may have one or more Senators, etc. That immediately, I should imagine, would affect what we might call the 50-50 plan of taxation, would disturb that, and there would be one man in the Senate and a number in the House who would have more power over the Federal Government in directing legislation and in consequence continually inclined to make the Government pay more and more and more of the cost of operation of the local government. It would be the most natural thing in the world to do it.

Mr. Glassie said something about the rate of interest being 8 per cent. I am a little familiar with that myself. Two builders told me not long ago at the

Powhatan Hotel that Washington, D. C., and Galveston, Tex., are the two cities to which they could come and get a square deal from the city government, and would not have to ask anybody what they could do or pay anybody any money. Now, mind you, these two builders were national builders, not local, as the gentleman he referred to must have been.

I see no reason why the laws of the District of Columbia, the codes that we now have, could not be codified and brought up to date. There is no reason why they should not. It has been done before with reference to other laws over which the General Government has control. A commission might be formed with local representatives by Members of Congress, by local experts, by the bar association and local courts, and that presented to Congress for its consideration. I think that covers that point.

Now, with reference to the getting together of certain cliques or races or interests, and not representing the city as a whole. I think the Federation of Citizens' Clubs here comes very near being a representative body of all the people in the District. I just recently joined it. At least, I was asked to join and paid my money, and I have not heard from it. For all I know it is very representative of the citizens of the District.

(A number of Senators own property in the District, have lived here from 2 to 15 or 18 or 20 years. One of the members of this committee, I understand, is interested in a very large financial transaction in the District of Columbia,) which will possibly eventuate in the near future. (A member of the District Committee is a member of the Federation of Citizens' Clubs here. I think several Members of Congress are members of the Federation of Citizens' Clubs. So Congress is a part of the city of Washington, perhaps as much as those of us who live here, maybe not so much so, but they are enough so that they catch the local spirit and the local needs.)

Mr. Glassie said that Burke said all legislation was better because of debate and compromise. I agree with Mr. Glassie and Mr. Burke also on that. I think Burke represented the American Colonies about as well as any man that could have been sent to the Parliament in London. In fact, there were three men there, Fox, the elder Pitt, if I remember rightly, and Mr. Burke, who were good representatives of the Colonies. And so (I think the men on this committee, who have lived here from 2 to 25 years, and those also in the House, represent the District very satisfactorily.)

Now, when Mr. Glassie compares New York and Philadelphia to Washington, with reference to having the seat of Federal Government, I don't think there is any comparison whatsoever, in any way, fashion, manner, or form.

There have possibly been, if I am thoroughly informed in respect to history, something like two or three thousand different forms of government, both local and national. The Republic of Rome, or the Roman Republic, was not a republic in the sense in which we now have a republic. There is no analogy between the two. The Roman Republic had dependencies and local forms of government which had no control over their own immediate neighborhood or city, or whatever you might wish to term it. So, I do not think that should bear any relation to the District of Columbia, unless it goes to prove a republic can have a seat of government over which it has absolute control in every way.

It is just possible that the form of government under which the District of Columbia lives is an accidental discovery of a new form of government, just as many other forms of government have been discovered in the past, possibly by accident. Anyway, all forms of government are matters of growth, and whether the Fathers or framers of the Constitution intended they should have a vote or not would have little to do with it. I think the present form of local government is a new form, and the most efficient form of government that any city can possibly have, and I believe we wish to continue it.

(So far as the schools are concerned, and the need of a man in Congress to tell Congress what to do and what might be done and to give them information, I don't think that would have amounted to a great deal, and surely could not have done any more than was done recently when there was no vote, where by moral persuasion, when we had a president of the board of education who was an outsider,) whom we did not like here, (who wanted to be a commissioner, whom the then President would have appointed commissioner; but through force of public opinion the President did not appoint him. I think that is as far as any body of voters could possibly have gone.)

I think I have finished, so far as I care to answer what Mr. Glassie had to say. Now, the Times speaker the other day said 90 per cent of the people of the

District wanted suffrage, and 10 per cent didn't want it. Those were inspired figures, and maybe that man was talking in large headlines, like the Times always does talk. Whether it is 50 per cent or 90 per cent he does not know, and neither do I, but from the investigation I have made I am inclined to believe at least 50 per cent do not care for any form of suffrage. Others may.

I don't know who the second speaker was, but he quoted President Lincoln as being in favor of suffrage. He didn't say for whom, whether for the Negro or the white man, or for everybody, or for just the District of Columbia. Anybody is in favor of suffrage. I am.

He also quoted Joe Folk. Joe Folk is the ex-governor of Missouri, and formerly one of the attorneys of the United States Government. He quoted Joe Folk as saying that all large cities are venal. I think Joe Folk knows. I know, too, for I lived over there. Joe Folk was city attorney of the city of St. Louis. This gentleman here likely knows him well. He became governor because he put a lot of crooks out, and then they would not let him serve any longer because he was apparently honest.

Several speakers have quoted Chief Justice Marshall in favor of suffrage for the District of Columbia. I can't say that he did not favor it. I have not seen the record, and I presume it must be true. A little later I had intended to quote Chief Justice Taft on that subject, but I understand it is to be written into the record.

The CHAIRMAN. The address of Chief Justice Taft will be incorporated into the record.

Mr. AYERS. I want to say I favor everything which the Chief Justice said.

Another man in this committee room asked me why I didn't take the idea of a voteless community back to Indianapolis and Terre Haute. It might be a good thing. Right now, if I remember correctly, several of the former public officials of Indianapolis and Terre Haute are in the Leavenworth penitentiary.

A lady asked me how I knew anything about local conditions if I had not lived here but about 10 years. I have been reading. I was relying on the Constitution for information—I don't think she was—but I got my information from about the same sources, I presume, that she did.

Now, Mr. Lesh said the City Club has about 1,500 members, to whom he sent a letter. I believe he said he got 17 replies opposing suffrage and that 500 favored suffrage of some kind; that 250 voted as a group for statehood. Am I correct?

Mr. LESH. No; you are not correct.

Mr. AYERS. I have my figures to that effect.

Mr. LESH. Do you wish me to correct you now?

Mr. AYERS. I do.

Mr. LESH. We sent the letter to something over 500 members, accompanied by a postal card; that out of that number, 17 opposed our platform and the balance favored it; that in response to the second question on the postal card, 290 not only favored our platform but joined our group.

Mr. AYERS. Well, at best that is one-third of the total membership. I think that will come very near approximating the number in the city as a whole that are in favor of any kind of suffrage, either one or the other kind or both.

Those men who belong to the City Club are not members of that club exclusively, but belong to other organizations in the city. Some of these gentlemen come here and claim to represent certain organizations with such and such a number of members, while perhaps practically the same men belong to all of the organizations, or many of the other organizations. That may be true of the City Club. I might call them repeaters, if they wanted to vote in every one of these different organizations and try to show the committee how many are in favor of suffrage. Of course I will not do it. I figured that I would divide that number by half, and half would be for local self-government, or statehood modified, and half against any suffrage at all.

Mr. Lesh says (a Federal city is not a reservation, nor a dock, nor a naval base, nor a national park, nor a camp—can not be compared with those. I merely refer him back to the records of the city, where we have celebrations and funerals and conferences and city riots and race riots, and see if the Federal Government does not very nearly step in and take a hand with the soldiers and marines. They always have done it, and very likely will continue to do it.) I hope so.

Mr. Lesh ^{here are} cites three South American republics whose capital cities have suffrage. That is as far as he went. (None of those capital cities were built as a Federal city, and even now one of them is considering building a Federal city

away from its seat of government.) I think that is Argentina. At least I have read so.

The CHAIRMAN. I would like to ask you how many city governments exist in cities governed entirely by the Federal Government?

Mr. AYERS. Every one, I think, that I know of, with that one exception.

I beg your pardon if I did not get your question.

The CHAIRMAN. How many cities are there, in which is located the seat of Government, which are governed by that Government alone?

Mr. AYERS. None that I know of.

The CHAIRMAN. None?

Mr. AYERS. None. I may be mistaken. Mr. Glassie would know, but I don't.

Mr. LESH. Not that the matter is important, but what Mr. Ayers is referring to came up in Mr. Brandenburg's remarks, not mine, and he is more familiar with the subject than I am.

We have in the brief that we filed with the House committee—and it may be of interest for the record before this committee—a schedule of the participation of the capitals of a number of nations in the government of those capital cities. I have no doubt we could take that schedule from the brief and put in the record, if you wish it. *(g + is said that)*

Mr. AYERS. ~~Mr. Lesh also says the denial of suffrage is repugnant to the Constitution.~~ Here is a work called the "Constitutional History of the American People," by F. N. Thorpe. On page 209, under the subtitle of "Stern functions of the State," the writer says, after having summed up a history of the Commonwealths prior to the revolution and just after our Constitution had been perfected:

"From this brief survey of one aspect of the political estate at the opening of this new century, it appears that government, in American democracy, was at this time in the hands of the few who were conventionally restrained from political wrongdoing by social, religious, and property qualifications. The mass of the population was excluded from the estate. Yet few escaped taxation. The value of property, not the votes of electors, controlled the democracy of the day. Property was the electoral check and balance."

And yet, with that being true, *(there was not a colony, there was not a State, that did not have some very drastic qualification for suffrage, very drastic; just as the Constitution prohibited all women from voting, just as the Constitution prohibited all slaves from voting, just as the Constitution prohibited any man from voting under 21 years of age; just as the Constitution prevented any Indian from voting, and does even to-day, as I said the other day. (So it is not altogether repugnant to the Constitution.)* It may be to-day as we have grown up, but it was not then, under the circumstances; and Mr. Lesh can not cite any authority to prove it. *(The law as written in the Constitution is the sum total of their opinions, and you can not go back of the law as written. You may take the opinions of Chief Justice Marshall, of Abraham Lincoln, of President Madison, but after all the Constitution designated who shall vote.)*

Now, *(the makers of the Constitution deliberated many months before they signed it; there were many compromises before they signed it. Hamilton and Jefferson and others went up and down the country four or five months debating the Constitution. Never once did they say anything about not having suffrage in the District of Columbia. So as long as the other side continually harps on the idea that the fathers did intend we should have it, I have a right to say they positively did not intend we should have it, because they did not give it in the Constitution.*

All the State legislatures deliberated before they accepted the Constitution. Nine accepted it, and New York accepted it by a very close margin, and it was some time before the other four States finally accepted it. Evidently they argued every phase and condition possible before they eventually accepted it as written. And nowhere does it say we have the right of suffrage in the District of Columbia. In no amendments since that time has it been given the right.) So how any lawyer can contend that the law implied we should have it I don't know.

7 months → As far as Andrew Jackson advocating suffrage in the District is concerned, I think anyone knowing his history will believe that he was likely to advocate most anything once and stand pat on it, whether he was right or wrong.

I am not as familiar with the local history of this plot of ground as Mr. Glassie is. I do feel that I have a little knowledge of it, however, and from some of my reading *(I am inclined to believe that had this Federal Government been strong and powerful at the time that it was laid out for a Federal District,*

it would have reserved to itself every foot of ground in the original District, or at least in the city proper, so that no one could have anything to say at any time but the Government which controls it.

In Philadelphia, where the city administration would not give the fathers any protection, where the State of Pennsylvania would not give them any protection, they certainly must then have felt that they would like to have a little spot of their own. Had they had the money, doubtless they would never have sold one lot in the District of Columbia to anybody. They had to sell them.)

Now, here is a little thing. Robert Morris, who financed the Revolutionary War, was one of the men who tried to finance the District of Columbia. He went broke because they could not loan him any money in Holland, and they took him over to Philadelphia and cast Robert Morris in the city jail, and he died there after three years in a debtor's cell.

Mr. Brandenburg gave some statistics as to how many bonds were bought by local citizens and how many soldiers volunteered from the District and how many were drafted. I have here a book entitled "Principles and Acts of the Revolution," by Hezekiah Niles, Baltimore, Md. This work is a compilation of the acts, newspaper articles, and public speeches by different citizens of all of the Colonies. These articles are all arranged under each Colony. Under the head of "Pennsylvania" we find the following:

"At a critical period of the Revolutionary War, when there was great danger of the dissolution of the American Army for want of provisions to keep it together, a number of patriotic gentlemen gave their bonds to the amount of about £260,000 in gold and silver for procuring them. The provisions were provided, the Army was kept together, and our independence was finally achieved. The amount of the bonds was never called for, but it is well to keep in remembrance the names of those who in the times that tried men's souls stepped forward and pledged their all toward the support of those who were contending for our liberty. The following is a list of some of their names, with the sums respectively subscribed by them."

And it is headed by the name of Robert Morris for £10,000. So I think the District of Columbia during this late war gave no more than any other like community would have done, had it been able to do it. We had quite a few dollar-a-year men here. We had men here from other States who volunteered from the District of Columbia, but should have been credited to the other States. So the proportion here was very likely about the same as in any other State, because there was a good deal of patriotism in Indiana, where I came from, and I venture to say in California and Mississippi and a few other States. So I don't think we should brag very much about how many volunteers we had here or how much money we gave. Other men did the same thing. My father fought four and a half years in the Civil War on the Union side and was in the front line all the time. He didn't brag about it. He just went out and did his duty and loved his country, the same as I do.

Mr. Brandenburg quoted Washington as saying this would be a very large city some day, as also did Mr. Glassie. Well, suppose it does become a million population. What is the difference? It is still a Federal city. It is very evident that the Federal Government is paramount here, no matter how large it is or may in the future be. Down in the archives of this building are some plans for public buildings for this immediate neighborhood. If it ever goes into effect the space occupied will be five times as large as it is right now. We don't know what this Government is coming to, how large the city is going to be, how many buildings the Government itself might wish to occupy at some time in the future. It would not be very long until the business interests would run clear to the District line, and then all you fellows can live in Maryland, and you will not have to have any vote here, and the Government will own it and run it.

Mr. Brandenburg also quoted that famous saying, "Taxation without representation." I will get to that in a few minutes, but not in direct reply to Mr. Brandenburg.

(With reference to voteless delegates in the District, Alaska, I should imagine, is about 90 per cent American, with a voteless Delegate. I would say Hawaii has more Japs than natives and Americans put together, and it has a voteless Delegate. The Philippines are about 5 per cent American, with a voteless Delegate. Porto Rico I don't think has over 1 per cent Americans, and it has a voteless Delegate. Each one of them has a voteless Delegate.

We don't consider that representation here. It is merely expediency and efficiency.) And that is the whole basis of my talk, no matter what I might

say. (It is a question of efficiency and expediency in the General Government, irrespective of who might live here.) I don't see that anybody is suffering at all in the District of Columbia from any cause whatever with reference to government.

I am too much of a Scotchman to want to make a change or to rock the boat when it is already good. Will Rogers, in the Belasco Theater a week or two ago, in speaking of the peace conference, said the English would come over in their own sea; the Japs would come over in their own war vessels; the Irish would have sent somebody over but they didn't know what they wanted; and the Scotch would have liked to have sent somebody over, but they wanted transportation paid both ways. I think we have a pretty good form of government, and until some one shows me a better form I am not willing to change.

Here is one little feature not touched on very much, except Mr. Glassie mentioned it. That is taxes. As a concrete instance of those who have the good fortune to live here—and (I am going to) identify myself with the District of Columbia just as Mr. Lloyd has and Mr. Glassie is now identified—the torch of jewels, ^{which} was built two weeks ago. It cost \$30,000 to build. The Government loaned us \$250,000 worth of equipment to make that torch of jewels a thing of beauty. If it had been in New York, we would have had to spend the money from our own treasury, or in Philadelphia, or any other city the same way. Many such instances we profit by because we live here. It does not cost us a cent. The General Government pays that expense. The fellows in the States pay an equal share with you. I think we are very fortunate to live here.)

I don't think (when it comes right down to a concrete proposition of either having a Representative in Congress, voting or voteless, or an increase in taxes, that the average man will ^{not} want any representation in Congress. I don't believe (he will ^{not} if it means any increase in taxes, and doubtless it will mean an increase in taxes.) There is scarcely any doubt about it at all.

(There are two factions here. One wants a modified form of State government and the other wants local control.) When either side gets up each speaker talks as though he were talking for 90 per cent of the people. I don't believe either side has any specific figure on which to base any contentions of that nature.

And suppose it should be true, and (suppose we do get a local legislature as we had in 1835. The B. & O. Railroad was built into the city then, and we had the telegraph at that time. The B. & O. wanted to run its poles into the streets and the local government would not let them.) Somebody wanted to be satisfied, probably; I don't know. That is usually the method. (The Federal Government finally erected the telegraph poles itself and then allowed the local city government and the railroad company to fight it out, and you gentlemen who are familiar with local history know the controversy was about 30 years in being settled. That is just one sample of what might occur providing we had the local form of government. I don't know what might eventuate if we had a Senator and Representative in the House.

Now as to whether or not one side or the other does represent a large majority of the people of the District of Columbia, I will recite another concrete instance that came under my personal observation. Immediately after the meeting in the House before the Judiciary Committee last winter, (there was a meeting of the Mid-City Community Center at L and Thirteenth. It was widely advertised in that community center that Mr. Burroughs would speak in favor of District suffrage, especially in favor of his bill. I attended the meeting to hear what he might have to say. There were 65 people present, of which I was one, Mr. Burroughs another, five or six children, seven or eight women; and at that time women did not vote in the community centers, I believe.

That left, I will say, 50 people who had the privilege of voting at the meeting. (When the vote was taken one man voted against suffrage in the District, and all the rest voted for suffrage in the District. That was published in the Star as the unanimous vote of the Mid-City Community Center, and I found out they had 1,200 members. And yet that goes in, and people take the Star and read that it was the unanimous vote, but there were only 65 persons present. It was published over the country as the unanimous vote of that particular community center, and that center has 1,200 members.

Mr. LESH. Will Mr. Ayers submit to one question? I would like to inquire if he knows what was the usual attendance?

Mr. AYERS. I do not. I never attended before. I went up simply because Mr. Burroughs was the speaker.

It seems to me it would be a ~~more~~ practical way if we would come up to Congress and ask the Senate Committee on the District of Columbia or the House Committee on the District of Columbia for what we want through the voice of our Federation of City Clubs then we would get just as much as we are entitled to. (These Senators don't wear horns. They are elected to serve us as well as their own particular communities, and I base my statement that we are likely to get as much through them under the present form of government as we are through any local form we might have, on my experience with a number of other cities, where it was necessary to go before the common council and hang on to the tails of their coats) as Mr. Glassie said, (in order to get something, far more than it has been necessary to do it here. (Not only that, but frequently I had to pay over a few dollars or promise to swing votes for him next time. You don't have to vote for the chairman of this committee at all. You will get what you come after on the basis of whether it is right or wrong, that you should have it, and that is all that is necessary.)

(For fear some people might think that we never again could have the kind of local government here that existed in 1870, because times have changed, because people are more intelligent, more honest, more virtuous, and all that—I want to say that does not follow.) The New York Times of October 30 has an article about former City Attorney Jerome, some 12 or 13 years retired, and again back in the saddle fighting Hylan, the Democratic mayor of the city of New York. This article says:

"Campaigning in behalf of the Republican-Coalition candidates in the Erasmus Hall High School and the Manual Training High School 167 in Brooklyn last night, William Travers Jerome said that Mayor Hylan had been shown to be the companion of 'crooks and convicts.' He said that this was true in the mayor's early business training, when he associated with Alfred Goslin, and again after he became mayor, when he had dealings with John Hettrick, who was convicted in connection with the building-trades scandal.

"'I have hitched Hylan up in his early business career to a convict and a crook,' said Mr. Jerome, 'and Samuel Untermyer last night took up his career since he became mayor. He hitched him up to another convict and crook, Hettrick. He can't seem to keep away from them. He has an attraction for them. He had it in the old days, and he can't break it off.'"

(There is no difference in the citizenship of the District of Columbia and the city of New York.) I can't see much difference.

The CHAIRMAN. What connection does that have with the subject matter before the committee?

Mr. AYERS. That (if any local form of government should be given the city of Washington or the District of Columbia these conditions could again arise.) I say they can. Mr. Glassie said it would be impossible. The gentleman over here asking for local suffrage say the same thing. I want to show that those conditions could exist again, because they do exist in other cities. Louisville had six murders on election day of the city administration November 2, 1921. The mayor was taken out of a hotel, manacled, and put in a patrol wagon and taken to the police station. Five Republicans were killed and one Democrat wounded.

The CHAIRMAN. Do you advocate the Federal Government taking over the control of the government of those cities?

Mr. AYERS. No; that does not follow. (I don't think there is ^{no} ~~any~~ doubt but what the government of the District of Columbia is ably and honestly governing the District at this time.) My contention is that we want no change in the form of government whatsoever. That was merely to recite the fact that those things have occurred within two weeks. It is not a question of 1870; it is right now.

Here is another phase of this same proposition: (Some want suffrage here, but how many men will go out and work in order that we may have the proper candidates for the people to vote for? And after we do, if we have a primary, how many will go out in the general election and vote for them?) In that connection here is an article from the Washington Star, dated New York City, November 4, 1921:

"Despite the fact that there are several hundred thousand unemployed men in New York, 5,000 good jobs—for one day—were going begging to-day. John R. Voorhis, president of the board of elections, announced that for the first time in his memory it had been found necessary to advertise for poll clerks, ballot clerks, and canvassing inspectors for next Tuesday's municipal election. Poll clerks get \$10 and the others \$6."

They won't do the work, let alone vote, without being paid for it. That is only a few days ago.

Here is an article from the Herald that I should also like to read to the committee:

"But one famous institution that still survives at Tammany Hall is 'dough day.' To-day was 'dough day,' and by all reports it was a prosperous 'dough day,' for Tammany Hall has been running affairs here for the last four years, and when Tammany runs things the big chiefs are supposed to collect much wampum. On 'dough day' the subordinate leaders come in from their respective bailiwicks and receive the cash for 'necessary expenses' of election day. They did so Monday, and there is no really certain way of checking up on the exact nature of these 'necessary expenses.' It is understood that in a prosperous year a faithful individual voter of proven loyalty, who stands right with his district leader, may expect a \$10 bill for 'services' to the party candidate in the campaign."

Here is an Associated Press article in the Washington Star. The Chicago Tribune had been sued by the city administration of Chicago for \$10,000,000 for libeling it. The case was thrown out of court. The charges made by the Chicago Tribune were these:

"Thirty-six news items or editorials, published by the Tribune between June 15 and September 15, 1920, are cited by the city attorneys as the basis for the suit. Many of them declared flatly that the city was 'broke.' Others referred to the use of scrip for paying city employees. In several instances it was stated that the city treasury faced a huge deficit, and one item quoted Lieut. Gov. Oglesby, a candidate for the gubernatorial nomination, as fixing this figure at \$16,000,000.

"The Chicago Tribune gave out the following statement last night in regard to the suit against it:

"At the time of filing this suit the city hall machine controlled the mayor's office of Chicago, the Chicago city council, and the newly elected governor.

"It had made its plans, which afterwards proved successful, to elect the speaker of the house of representatives and to control both branches of the Illinois Legislature. It confidently expected to nominate and elect the entire circuit court of Cook County, giving it substantial control of the nisi prius judges, the Cook County appellate courts, and the jury commissioners. It has already openly threatened the supreme court of Illinois.

"The rich men and corporations of Chicago were under duress to contribute to its support and to its leaders, while various reform and civic associations had been intimidated into inactivity. There remained but the Tribune, fighting its complete dominance of the community.

"To coerce or destroy the Tribune was the immediate purpose of this suit, the intimidation of all newspapers, and prevention of free speech, its second objective, and as the Tribune has evidence to prove, the overturning of the republican form of government was the ultimate goal.

"The Tribune meets the issue in full confidence that all the constitutional guarantees to the individual will be preserved unimpaired, and that this attack upon our republican form of government will be overthrown as completely as its predecessors."

The CHAIRMAN. Your argument is against all popular forms of government?

Mr. AYERS. My argument is against all popular forms of government in the District of Columbia.

The CHAIRMAN. I do not think that is entirely pertinent to this question. This committee is not going to hear arguments as to whether our present government is a wise government or not. It is merely a question of whether we shall extend our present government in its limited form to the District of Columbia. I think you have taken up unnecessary time by those comparisons.

Mr. AYERS. Those in favor of suffrage have had many hours of time.

The CHAIRMAN. It is not a question with respect to the wisdom of popular forms of government. While I want to give you all the time necessary to present your case thoroughly, it seems to me that those quotations and articles from the papers regarding the administration of the laws of other cities are scarcely pertinent here, because all the advocates of suffrage have admitted that the government of Washington at present, under its present form, is good, and they do not recommend any change in the local form of government.

Mr. AYERS. The Capper bill does.

The CHAIRMAN. There has not been a single speaker in favor of the Capper bill.

Mr. CLAYTON. Our contention is that bill does not change the form of local government. It simply changes the appointing power. We are united in favor of that.

The CHAIRMAN. The Capper bill provides for the election of part of the commissioners. I did not know anyone was advocating the Capper bill. You may proceed in your own way, but I just called your attention to that fact.

Mr. AYERS. I think at present the government is so efficient that I must argue broadly, because I must argue against three bills before this committee—two providing for a local form of government and one for national representation. I can not confine myself, as Mr. Glassie did, to one phase of the subject, or at least one bill. He is opposed to the two, and said so while he was speaking. Those gentlemen talked for an hour and a half the other day in favor of the Capper bill and not against it.

Now, with reference to taxation without representation, that is very important and is often quoted. I want to read something from "A Literary History of America," by Barrett Wendell. Before taking up the literary history over any period of time, he gives a résumé of the political conditions at that time, particularly a time or a short time preceding that. It is in the chapter entitled "The American Revolution," at page 106:

"To modern scholars of the critical kind, too, the Revolution is becoming more of a puzzle than it used to be. The distortion of tradition which has represented it rather as a war against an alien invader than as a civil war is not our only popular error. American writings, in general, tell only one side of the story; and we have been accustomed to accept their ex parte, though sincere, assertions as comprehensive. So much is this the case that few remember the origin of a phrase which from a political letter by Rufus Choate in 1856 has passed into idiomatic use. This phrase, 'glittering generality,' is commonly used of empty rhetoric. Mr. Choate used it of a piece of rhetoric which American tradition is apt to believe the least empty in our history. His words were: 'The glittering and sounding generalities of natural right which make up the Declaration of Independence'. Now, to describe the Declaration of Independence as a tissue of glittering generalities is by no means to tell its whole story; but so to describe it is probably as near the truth as to accept it for a sober statement of historic fact. Not that Jefferson, who wrote it, or his compatriots who signed it were insincere; the chances are that they believed what they said. But the fact that in a moment of high passion a man believes a thing does not make it true. And when under the cool scrutiny of posterity fervid convictions prove somewhat mistaken, the vital question is from what they arose.

"Prof. Tyler collects and arranges as never before material which may help one to hazard an answer to this question. Although in pure literature the Revolution has left no more permanent record than was left by the century and a half which came before, it was almost as fruitful of publication bearing on contemporary fact as were those civil wars of England which resulted in the execution of King Charles I, and the momentary dominance of Cromwell's Puritanism."

And a little further on it continues:

"Take, for example, one of the best remembered phrases of the period—'no taxation without representation.' What does this really mean? To the American mind of to-day, as to the mind of the revolutionary leaders in King George's colonies, it means that no constituency should be taxed by a legislative body to which it has not actually elected representatives, generally resident within its limits."

Here is the point I want to bring out:

"To the English mind of 1770, more than 60 years before the first reform bill, it meant something very different. In England to this day, indeed, the notion that a representative should be resident in his constituency is as strange as to any American it is familiar. Not only was this the case in eighteenth century England but many boroughs which returned members to Parliament had hardly any residents; while some of the chief cities in the kingdom returned no members at all. In King George's England, we see, the question of representation had little to do with actual suffrage. What no taxation without representation meant there was that no British subject should be taxed by a body where there was not somebody to represent his case. This view, the traditional one of the English common law, was held by the loyalists of America.

"When the revolutionists complained that America elected no representatives to Parliament the loyalists answered that neither did many of the most populous towns in the mother country; that the interests of those towns were

perfectly well cared for by members elected elsewhere; and that if anybody should inquire what members of Parliament were protecting the interests of the American colonies the answer would instantly satisfy any complaint. This contention is really strong. Among the men who defended the American cause in the House of Commons were the elder Pitt, Fox, and Burke. It is doubtful whether New England or Virginia could have exported to Parliament representatives in any respect superior."

So taxation without representation in those days maybe did not mean the same as we speak of it to-day and as some of the speakers here have spoken of it. They talk about the "crown of thorns and the cross of gold." and Patrick Henry's "Give me liberty or give me death." People will say, "Give me liberty or give me death," and will come over here to blow the Capitol up because it don't suit them. When the speakers argue here that taxation without representation meant to the people years ago what it means to-day I think they are mistaken.

(Bryan's History of the District of Columbia, in two volumes, published in 1916,) I believe, (gives plenty of evidence of discontent in the District against the very incompetent local forms of government and, if my memory serves me right, we have had approximately 20 different forms of local government since 1800. No radical changes have been made, but changes, nevertheless, in the form of government. Maybe the one that we now have is the best we could possibly have. It is my impression that this is true.)

(In 1830 Georgetown and Washington and Alexandria went bankrupt, or nearly so. Because of these incompetent local legislatures this Government had to pay about \$15,000,000 for the canals and other things that these people one-half completed. In 1870 a similar condition prevailed. In 1878 it was pretty bad again. That was due to the local forms of government. Congress has not been spending any money injudiciously in the District. Practically every cent Congress ever appropriated for the District has been well spent in the interests of the District.) That is what I get from a good many authorities. Some of the speakers who have spoken here say so and I am taking their word for it, not my own.

In 1870 they used to import Negroes from Baltimore to vote here, and in 1870, I think it was, they had a cannon on Seventh Street, pointed south, full of nails, shot it, crippled two people, injured a great many more.

Mr. BRADSHAW. Mr. Chairman. I have lived in the District of Columbia all my life, been active in its politics since 1868. This gentleman has given me some information that was new to me and new to every citizen of the District of Columbia, and where he gets that from I would be pleased to have him tell us.

Mr. AYERS. I can give it to you and a lot more of the same kind. (The old fire department was a hotbed of politics and fights.) They had individual companies and fire apparatus and if they happened to meet in the street they would stop, quit the fire department apparatus, and fight. Time and again that has come about. I can show you 40 pages of that in Bryan's History. I will loan you a copy.

(I am going to touch on the race question) just a minute. In the meetings before the House Judiciary Committee I asked one gentleman if he believed in suffrage for the Negro. One man said point blank, "We will not allow them to vote." I think that is verbatim. Another gentleman answered my question categorically, and said, "Down in the Pacific Ocean there is an island with 5,000 Negroes and 41 white men, and when they have an election there are 41 votes cast." That is the way he answered it. Anyone can draw his own conclusions. (They have ideas in their own minds about suffrage in the District for everybody, and yet they would deny a certain large element the right of suffrage, and only have given it to women recently. For that reason I think any local form of suffrage might not result in a square deal, and these colored men might not get a square deal. They can not get political equality, they can not get economic equality, and there is no social equality. Social equality is the ultimate ambition of all races of men, and it should be. Unless he has that ambition, he certainly is not fit to exercise the right of suffrage. And so we say he shall not have social equality, and we then almost automatically deny him all other forms of equality. I would not say he should not have it. I do say he should fight for it, as long as my ancestors fought for it, and then maybe he will know what it means; but to give it to him in the course of 50 years, when he has been for centuries without it, and then expect him to use it intelligently—I don't think he will.) The individual may, a small percentage;

yes. The colored man must feel he has got to carry that burden. I think he should feel himself fortunate that he lives in these United States instead of where his ancestors originally came from. That is with due respect to him.) I think I am a good friend of the colored man, and Mr. Glassie, who is from the South, is a good friend of the colored man. I think we are as good friends of the colored man as any man on the face of the earth. We may disagree as to the methods with reference to the colored man, but I am not against the individual colored man.

I have an amendment to any bill that might be presented that I would like to present to the committee.

The CHAIRMAN. That will be by written communication to the committee. Send it to the chairman and it will receive consideration.

Mr. AYERS. I want to tell these gentlemen who are here what it is. It will take only a second to read it:

"That any qualified voter within the meaning of the term as generally understood who fails to vote, at any election provided for the District of Columbia in any act of Congress, and who can not establish the necessary proof why he did not vote as shall be provided for in the act by appropriate legislation, shall, upon conviction, be sentenced to not less than one year at hard labor in the penitentiary."

I will see whether you fellows really want suffrage or not.

The CHAIRMAN. What is the idea of presenting that amendment to this bill, when no State in the Union has such a provision?

Mr. AYERS. There are 48 States, and in every State the qualifications for voting are different.

The CHAIRMAN. But there is no penalty for not voting.

Mr. AYERS. I know it. I want a penalty. It is now being agitated among those who are giving study to legislation and science of government. You will find a good deal about it in a magazine called "Commission form of Government." Some advocate six months' penalty and some a fine. The idea is not new to me at all. It has been talked about for the last 10 years.

The CHAIRMAN. Along that line, if I was going to advocate a provision for penalty for not voting, I would make that penalty apply to the primaries of the respective parties. If you can get the best element of the parties to vote at the primaries, you will always get good men, high-class men. But the trouble with our primaries to-day, where you have the primary system, is that a few politicians control the nominations.

Mr. AYERS. It has been my experience that it cost thousands of dollars to conduct the primary. You have to take taxicabs to haul fellows from their jobs down to vote. And in February and in January more than once I have been in the back end of a barber shop or a saloon or upstairs in a dinky lawyer's office in a precinct or ward fixing candidates for the primary. Not only that, but at the primary elections the average voter is not of the best class, and he nominates for us, the better element, you might say, the men whom we shall vote for at the general election. I have talked to 500 men in the last three or four months who are not in favor of District suffrage and asked them to come to this meeting, and yet I am almost the only one to appear. Only one man has been up here that did not want suffrage.

Mr. LLOYD. Mr. Chariman, it is getting late, but I would like very much if you would be kind enough to allow Mr. Waldron to make his statement.

The CHAIRMAN. This will be the last hearing before the regular session begins the 5th of December, but I am willing to give you continuous hearings until all reasonable sides have been presented. I do not mean an interminable hearing, because we have not the time for that, but so long as there is any phase of this proposition that has not been presented in the minds of citizens here who think it should be, I am willing to continue the hearings further.

Mr. WALDRON. Mr. Chairman, I want to thank you for the opportunity of being heard at this time, and to thank my friend, ex-Congressman Lloyd, along with the others, for pressing the point. Not that you were not willing to hear me.

The CHAIRMAN. How long will it take you?

Mr. WALDRON. I think I shall be through in half an hour with all the questions you may want to ask.

The CHAIRMAN. Proceed.

STATEMENT OF REV. JOHN MILTON WALDRON.

Mr. WALDRON. Mr. Chairman and gentlemen, my name is John Milton Waldron. I am a resident of the District of Columbia, a clergyman by calling, and the pastor of the Shiloh Baptist Church of this city. I represent the Alley Improvement Association, the Committee of Seven, and the National Race Congress—all colored organizations. The members of the first two organizations are all residents of the District of Columbia and most of the officers and many of the members of the race congress are residents of the District of Columbia.

I have been instructed by these organizations to assure you that they favor the granting by Congress of the franchise and self-government to the people of the District of Columbia. These organizations feel that the white and colored citizens of the District are loyal Americans and have always been true to our National Government and have borne more than their share of the burdens of the Nation, both in peace and in war. The organizations I represent are in favor of both the Jones and the Capper bills now before your committee. We don't see how you could pass one without the other, the Jones or the Capper bill.

The CHAIRMAN. The Capper bill provides for the election of local officers, to a very great extent.

Mr. WALDRON. Yes, sir.

The CHAIRMAN. It takes the local government out of the hands of Congress.

Mr. WALDRON. As I understand, it does not take the control, but is simply an expression of what they desire.

The CHAIRMAN. It takes the control from the hands of Congress.

Mr. WALDRON. Of course, Congress can veto it, if they feel so disposed.

The CHAIRMAN. It undoubtedly does take the control from Congress.

Mr. WALDRON. Our idea is that Congress still holds the veto power, and the citizens are bound, of course, within certain limits.

The CHAIRMAN. They would not hold any veto power if you raised all your own revenue.

Mr. WALDRON. We take that up as we go on further.

The CHAIRMAN. I think there can be no question about that.

Mr. WALDRON. They regard the two bills as being complementary the one to the other, and feel that they ask for the people of the District of Columbia nothing more than what is just and right, and nothing more than the Congress of the United States ought to grant to said citizens. They believe further that the Jones and Capper bills ask for nothing more than the Members of Congress themselves would ask if they lived in the District of Columbia rather than in the States from whence they come.

We do not see why the people in the District of Columbia should be required to give up the most sacred right possessed by an American citizen, namely, the franchise, because they by accident or by force of circumstances, are compelled to live at the Capital of the Nation. The people living in the State capitals are not required to make any such sacrifices.

There was a time when the District of Columbia possessed the franchise and governed herself. During that period the welfare of the Nation was not interfered with, nor was the safety of the Republic in any way jeopardized. This country fought an eight-year bloody war to establish the right to representation where there was taxation, and when we think of our condition in the District of Columbia relative to the franchise, we can not help feeling that our National Government stultifies itself in that it taxes us and at the same time allows us no voice in our own governmental affairs and no voice in the election of the President and Vice President and the Members of Congress.

The CHAIRMAN. Do you feel you have no voice in your own governmental affairs?

Mr. WALDRON. We do. Senator; and I am in the habit of saying that we live in a District that is run by a fuss, and we can get nothing in the District without having some kind of a row.

The CHAIRMAN. You have three commissioners appointed, who control the District.

Mr. WALDRON. Yes.

The CHAIRMAN. Those three commissioners must have been residents of the District of Columbia for a certain number of years before they are eligible to appointment?

Mr. WALDRON. Yes.

The CHAIRMAN. They are generally appointed by the President on the recommendation of local people. I think in a measure you have some representation, although it is not representation by a right to vote.

Mr. WALDRON. That is what the American people want. That is what we want.

The CHAIRMAN. It is hardly fair to say you have no representation.

Mr. WALDRON. That is not the representation that is contemplated by the Constitution or by any of the States. We feel the time has come to either give us what we are entitled to or say you will not give it to us. We are asking for all we ought to have, hoping we may at least get something.

The CHAIRMAN. I do not fully agree with you. I am not taking any position, because my mind is open, and it will remain open, but I see objections to both sides of it. I think you are in a measure represented. I do not think the privilege of voting is a right, even in the United States. It is limited in many States. It has but recently been granted to the women of the United States. It is only a privilege. This is a representative form of government, and you elect representatives to carry out the laws or make the laws of your country. If we had a democratic form of government everybody would have a voice in the administration of those laws. It is a republican, representative form of government, and while you have not what I know you feel you ought to have——

Mr. WALDRON. And what I think you feel we ought to have.

The CHAIRMAN. Yet you should not say you have no representation. for I think you have, in a measure.

I remember very well on last election night I came to Washington. I had to start West early the next morning on business for the Government. The one thing that impressed me when I came into Washington was the fact that nobody had a vote, nobody had participated in that great national election, and they were all feeling as though they had been deprived of something. It impressed me more than I have ever been impressed on entering a city under such conditions.

Mr. WALDRON. Mr. Chairman, may I say that if it is a privilege, it is just what we want. You say it is not a right.

The CHAIRMAN. It is not a right; it is a privilege granted by law.

Mr. WALDRON. If it is a privilege, why should we be denied it and other people be given it?

The CHAIRMAN. I am not saying you should be.

Mr. GLASSIE. Will you permit me to make one observation?

The CHAIRMAN. Certainly.

Mr. GLASSIE. On all sides we agree that the individual right to vote is a privilege so far as a man is concerned, but we think it is a right so far as the community is concerned.

The CHAIRMAN. I think you are right about that.

Mr. WALDRON. What does the fourteenth or fifteenth amendment mean, if it is not a right? Does that not confer it upon the ex-slaves?

The CHAIRMAN. It only extends it so far as race or color is concerned.

Mr. WALDRON. I do not see how you can give a thing and take it away at the same time.

The CHAIRMAN. That is not my construction of it.

Mr. WALDRON. I can understand that construction. What we want is what we believe we are going to get, and we believe you feel as we do. I am glad you came to the city of Washington on election night, because you saw the situation and felt to some extent as we felt—that we were being denied what is justly due us.

The citizens of the District of Columbia can not help feeling humiliated at their position and there is always lurking suspicion in their breasts that they are not justly treated by the Nation, and these convictions do not make for the safety of the National Government and they may at some future time engender such a contention and strife that may embarrass the National Government.

Further, the anomalous position occupied by the citizens of the District of Columbia in the matter of the franchise is not conducive to the development of usefulness, love, and loyalty to our beloved country, neither on the part of ourselves nor of our children. We teach our children that America is the greatest country in the world and that the franchise is the most sacred right an American citizen can possess, and they learn from everyday events as well as from history that the people living in the District of Columbia have always borne their part of the burdens incident to national and local government and have responded freely to every call made by the Nation for money, service, sacrifice,

and men, and yet these children and their parents are not even allowed to vote for the humblest official in the District government, and notwithstanding they are heavily taxed, they have no representation in the Government they sustain and love. This state of affairs argues either that the principles of the Declaration of Independence and the Constitution are a falsehood or that the citizens of the District of Columbia are only half loyal and are therefore not to be trusted with the franchise.

At these hearings the question has been frequently asked, "Have you a good government in the District of Columbia?" The answer has been usually in the affirmative. But while we may have a good government in a way, that does not seem to us to be an argument in favor of refusing the franchise to the citizens of the District of Columbia. We notice that the citizens everywhere else in this country clamor for the right to elect their own Government officials, and when that right is taken from them or refused them they feel they have been wronged. People learn to govern themselves by selecting their own officials and by running their own Government, and it is a great deal better in a Republic that they should do this even though they might be governed better in some respects by a monarchical form of government. A child in the arms of its mother might reach a certain destination quicker than it would by walking, yet it is much better for the child that it walk. We feel that we have a fairly good government of its kind, but we are sure that the kind of government we have is not the best for the development of people of the District of Columbia into responsible, loyal, and stalwart citizens of a Republic such as ours.

We have lived in the District of Columbia for nearly 15 years, and during all that time we have heard only two real objections advanced why the people of the District of Columbia should not be given the franchise. The first is, that "There is a large colored population in the District; and if the franchise is bestowed upon the people here, the colored people must be allowed to vote, and they would invariably vote the Republican ticket and always keep the Republican Party in control of the government of the District of Columbia." That was one reason why self-government was taken from the District of Columbia by the Democratic Party. They felt that the colored people were always going to vote with the Republican Party.

The CHAIRMAN. That is the first time I ever heard that the Democratic Party failed to limit that vote in the States.

Mr. WALDRON. They took it away from those here.

The other reason is: "If the people of the District of Columbia are given the franchise and self-government it would increase the taxes of the citizens of the District."

It seems to me, in discussing the matter of the vote of the colored man, that most of us have got to come to the point where we will look at a man as a man and not at the color of his skin, and must be willing to treat other people as we would like them to treat us. Until we are willing to do that we will not succeed in Congress, in the disarmament conference, or anywhere else where we attempt to deal with human beings. The Golden Rule and the new commandment of "Love one another" are the things in my mind that we have got to come to to solve this great problem that disturbs us so much, and there is no use trying to get any other solution, because there is none.

With regard to the colored vote, it ought to be said that of the colored adult citizens in the District of Columbia, 90 per cent of them can read and write and 70 per cent of this number have had a common-school education; that, as a class, the colored people of the District of Columbia own more property than any other equal number of colored citizens in this country, or perhaps in the world. The colored citizens of the District of Columbia for 40 years or more have been educated to take an intelligent and discriminating interest in affairs pertaining to the welfare of our Nation, and a large part of them are in one way and another connected with the District and National Governments. At every crisis in our Nation during the past 50 years the colored citizens of the District of Columbia have done more than their share in assisting and protecting the Nation. Whether literate or illiterate, whether owners of property or without property, they have always shown themselves loyal, self-sacrificing, and intelligent when the interests of the District and the National Governments were at stake.

If that had only been followed we would have had the vote to-day. While I refer to the fact that the Democrats took self-government away from the District, I don't know that I have any condemnation for them, except to feel that they did not perhaps use all the wisdom they ought to have used in making these

people see it is their duty and business to divide their vote. When we get the vote of the colored people divided in the South, when they no longer vote as a unit, when they divide their vote as the white man divides his vote, you will no longer have a solid Democratic South and a black Republican vote in the North.

The CHAIRMAN. I think it is very unwise to bring the political aspect into this. There is another phase of it that might affect the votes of many Members in Congress. That would be that the administration in power would generally have the balance of power in the District of Columbia. I think it is better to keep the political aspect out entirely, from the effect it might have on the vote in the Senate and the House.

Mr. WALDRON. I am not trying to bring that up, but every time a demand is made for the colored man it is sought to make it appear that he will not do the thing that is fair and right. Even a member of the committee made the argument, saying, of course, he did not express any opinion. I don't believe we are going to be able to deceive the Democrats any longer, and I don't believe we want to; nor do I believe we can deceive the Republicans.

The CHAIRMAN. We do not want to deceive anybody. This should be decided upon what is the best for the government of the District of Columbia.

Mr. WALDRON. That is what I am trying to do. So far as trying to bring in politics is concerned, it is a political question, and I don't see how we can take hold of it unless we do refer to it. Forty years have passed since the District of Columbia governed itself.

Mr. BRADSHAW. I wish to correct the speaker.

The CHAIRMAN. The rule is that the speaker shall not be interrupted. You will have a right to speak in your own time.

Mr. BRADSHAW. He is entirely wrong.

Mr. WALDRON. I don't want to be corrected in this way and at this time, Mr. Chairman.

The CHAIRMAN. He has a right to his own opinion and you have a right to your opinion, which you can state to the committee at the proper time.

Mr. BRADSHAW. I am not stating my opinion. I just wanted to give him some information.

Mr. WALDRON. I will be very glad to have it when I get through.

The CHAIRMAN. Proceed.

Mr. WALDRON. Forty years have passed since the District of Columbia governed itself, and these 40 years have made wonderful changes in the life, opinion, and conditions of the colored citizens in the District of Columbia and of the colored citizens of the entire country. In many places in the United States the colored people have for years voted freely and in considerable numbers with the Democratic Party and with coalition and independent political parties. The colored citizens have learned that political parties are simply means to the securing of desired ends in local, State, and National Governments, and they have also come to the point where they divide their vote if they live in communities where the white people divide theirs, so that the Democrats nor any other party that may have candidates in the field need have no fear of a solid black Republican vote in the District of Columbia. If we understand correctly the history of self-government in the District of Columbia the franchise and the right to govern themselves were taken from the people of the District by the Democratic Party simply because the colored voter was at that time always solidly Republican.

I have been informed it was not done that way, so I would like to have that changed. I have been told by people who live here.

This bugaboo need not stand in the way of conferring the right of self-government and the franchise upon the people of the District of Columbia, for the colored voters can now be depended upon to vote in the same way that other citizens vote, namely, for measures and men best fitted to carry forward the Government for the welfare of all; the day of a solid black Republican vote in the District of Columbia or anywhere north of the Mason and Dixon line has passed by forever.

And, finally, the colored citizens are in favor of and prepared to submit to any qualification of the franchise that is honest and legal and that shall be made to apply alike to all of the citizens of the District of Columbia. It is well to remind this committee and all others concerned that neither the colored people of the District of Columbia nor any other part of this country have ever used their votes, money, or numbers to in any way injure or embarrass the National Government. The Federal Government found on one occasion,

at least, that it could trust the colored citizen when it could not trust some other citizens. You know when you were guarded here by colored troops at the United States Treasury and White House until they could pick out certain people from the Army and send certain others here they could depend upon.

The colored citizen has never used the franchise in the District of Columbia nor anywhere else in the Nation to injure or embarrass the National Government, and he never will so long as our General Government believes in and strives to live up to the Declaration of Independence and the Constitution.

With regard to the claim that taxes will be increased in the event that self-government is granted the District of Columbia, this need not deter anyone from desiring the franchise and self-government for the District, for it is more than probable that the District of Columbia under self-government would cost less than it now costs under a commission form of government, and, further, if all the property in the District of Columbia—that owned by individuals and that owned by the Nation—was assessed and taxed at its fair value the United States Government would likely have to pay considerably more toward the support of the District government than it does now. I am only contending that all property be taxed alike and let each side bear its own proportion.

The CHAIRMAN. It would be about 42 per cent.

Mr. WALDRON. And in any event the people of the District of Columbia would pay no more taxes under a government of their own choosing than other cities of the same size in this country are now paying; and if the franchise and self-government are what we claim it is, the people of the District of Columbia ought to be willing to agree to a slight raise in taxation, if it should be necessary, in order to be blessed with the privilege of saying who shall govern them and of having a hand in electing the President and Vice President and the Congress of the United States.

For the reasons mentioned above your petitioners request you to urge upon Congress the duty and necessity of granting to the citizens of the District of Columbia the franchise and the right and privilege of governing themselves.

I want to thank you, Mr. Chairman, for hearing me this afternoon.

The CHAIRMAN. There will be no hearing until after the regular session of Congress begins on December 5. We will notify you through the papers. We will then continue the hearings until all sides have presented their case. The committee will adjourn subject to the call of the chairman.

(Whereupon, at 6 o'clock p. m., the committee adjourned, subject to the call of the chairman.)

SUFFRAGE IN THE DISTRICT OF COLUMBIA.

TUESDAY, DECEMBER 13, 1921.

UNITED STATES SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C.

The committee met, pursuant to call, at 10 o'clock a. m., in the committee room, Capitol; Senator Wesley L. Jones presiding.

Senator JONES. The chairman of the committee, Senator Ball, could not be present this morning and asked me to preside. I understand there are two hours this morning to be given to those who favor either one or all of the propositions now pending before the committee. Mr. Fairbairn has asked to be heard first, and we will give him that opportunity.

STATEMENT OF A. D. FAIRBAIRN.

Senator JONES. Mr. Fairbairn, for whom do you appear?

Mr. FAIRBAIRN. I appear on behalf of the District press committee on suffrage. I understand I represent a number of my colleagues in the press gallery, not officially, however, because there have been no official instructions given.

I appear for suffrage for the District of Columbia. I am not here to tell you what the fathers had in their minds, because I do not know what they had in their minds. The committee has been entertained by a lot of historical information which it could have obtained simply by reading a history of the United States. It has been entertained, in my judgment, by a lot of irrelevant matter. The members of the committee have been told why the fathers of the country laid out this city and selected it as the Capital of the Nation. All we have to do is to admit that this is the Capital of the Nation, that there are approximately 500,000 people living here, and that the residents are denied any voice in the conduct of their own affairs. These are facts that can not be controverted. The only question for the committee to settle is whether we are entitled to some consideration in that way and whether the committee ought to present to the Senate legislation giving us some relief in the way of a limited amount of suffrage, at any rate.

You have been told that this city is the Capital and that the Capitol was built here so as to take the Government away from the influence of Philadelphia. If that is true, the fathers exercised very good judgment, because anybody who will get away from the influence of Philadelphia shows that he is sound.

I have read a good deal recently in the Star with reference to this question, and, among other things, some of Mr. Noyes's very able and very eloquent disquisitions on the District of Columbia. Mr. Noyes takes the position that a Delegate is wholly inadequate and he wants all or nothing. He wants the Burroughs bill, which calls for submission of this question to the people upon a constitutional amendment, so we may have two Senators or one Senator and two Representatives, as the case may be. That is a long process, and it is very questionable, in my mind, whether Congress at the present time, or at any time in the near future, would submit such a question to the people. Then it would mean an immensely long campaign to get the vast majority of the States, three-fourths of the States, to ratify what Congress had done. In the meantime we want something.

Those who demand full suffrage or the Burroughs bill or nothing remind me of the man in San Francisco who went to a Chinese restaurant and asked the proprietor if he could have something to eat. This was on Monday morning, and the man said he was starving and needed immediate relief. The Chinaman

said, "Vely well, you likee fish?" He said, "Yes; I am very fond of fish." The Chinaman said, "All light, you come around Fliday."

Now, if the committee please, we do not want something in the far and distant future. We want something now, and if we can only get a Delegate or two Delegates, one in the House and one in the Senate, or if we can get a limited voice in the conduct of our affairs, we will accept that. We are not saying that we are going to be satisfied with that. After we get something we are going to agitate for more and we are going to keep on agitating until we get what the majority of the citizens of this town believe is adequate representation.

Personally, I do not believe that in the history of this Congress we have ever had a more faithful District Committee than we have in the Senate at this time. Senator Ball—I can say this in his absence—is about the finest man we have ever had as chairman of this committee. He has at heart the interests of this city. He has occupied his mind with some matters of the smallest detail, matters which a United States Senator, with his vast interests to take care of, is not ordinarily expected to look into. So we have no complaint regarding the work that the District Committee is doing, neither have we any complaint of the action of a majority of the Members of Congress in both branches beyond saying that they have not so far seen fit to give us any kind of representation in this body or in the lower branch of the American Congress.

The question has been asked me on several occasions, "What do you want a change for? Have you not one of the finest governments on the face of the earth?" I say truly that we have in the District of Columbia one of the finest, most faithful of municipal governments that was ever created for the care of the affairs of man. But that is not a full answer to the question which we have. This does not fully answer our objections. You may give us a tax-free city if you like, you may say to us, "Congress will take care of all your expenses: The country, outside of the District of Columbia, will see that you do not have a dollar to pay for the upkeep of your parks, for the care of your streets, for the care of your lighting system, or for any other public utility that you may have. You can have all those things, but you can not have any voice in the conduct of your own affairs." We would not be satisfied with that because we are unwilling, in the first place, to live upon the charity of the country. We are unwilling to live upon the charity of Congress. Even if you gave us a veritable elysium in the shape of a municipality we would not be satisfied, if you were to say to us, "You can have this, but you can not have any right in the selection of the men who are to rule you."

Evidently, from what he said at a previous hearing, Senator Ball inclines to give us a Delegate. We want more. We want the privilege of electing our commissioners, subject, I presume, to the approval of Congress and the approval of the President. We want a voting Delegate in the House of Representatives and we want one or probably two in the Senate. We want them, but evidently we can not have them at the present time. Evidently, from the temper of the committee and from the sentiment prevailing in Congress, it is impossible for us to obtain the right to elect our own commissioners and to create our own municipal government. But there must be a general inclination in Congress to give us a Delegate without a vote. I say there must be, because I believe there is. Mr. Noyes has said that is entirely inadequate. I quite agree with Mr. Noyes that it is entirely inadequate, but we are not going to refuse to accept that crumb of bread simply because we can not get a whole loaf.

It has been said that if we get a Delegate Congress will say to us, "Well, you have somebody in Congress at the present time, and that is all you will get; that is all you will require," and that any agitation for more representation and more complete suffrage would die out. Very well; if agitation is permitted to die out, then we of the District of Columbia must be responsible for its death.

I do not think that argument is founded upon good logic. It does not answer fully the statement that if we can not get all we want we will take all we can get. I am asking the committee for the very best they are able to give us, for the very best Congress is able to give us. There are bills pending requiring action by the various States on a proposed constitutional amendment. Very well; I am for them. I am for the Burroughs bill, I am for the Jones bill, I am for the Capper bill, I am for the Poindexter bill, I am for anything that will get for the people of the District of Columbia some voice in matters which directly concern them; but I am also for anything, if the committee please,

that your body is able and willing to give us at the present time. I would suggest that whatever you give us, you give us as quickly as is consistent with due and proper deliberation upon a subject of such vast importance.

I think we ought to have something to say about the election of the President and Vice President of the United States. We do not feel that as citizens who are ordinarily intelligent—and I believe the standard of intelligence in the city of Washington is about as high as it is in any city in the United States or in any community in the United States—should be subjected to the constant and continual humiliation of feeling conscious of the fact that we have had no voice in putting a man in the White House or electing some one to preside over the deliberations of your distinguished body. I have been here long enough as a member of the press gallery to have conceived a very high regard for the personnel of the Senate and also of the House. In my judgment, it is a collection of men which could not be equaled anywhere in the world for intelligence, for devotion to the interests of the country, for industry. For all those qualities which go to make up greatness, the Congress of the United States can not be excelled, can not be equaled, in my judgment. For that reason, knowing that we have such a Congress and knowing that we have such a fine collection of statesmen to deal with, I feel confident that they will try to do us justice.

I know that in the multitude of duties which you have to perform here, matters of small importance or comparatively small importance, such as the details of the government of a municipality, will escape your minds. The only difficulty is that the Senate District Committee is having to give any attention at all to the affairs of the District of Columbia. Each one of you distinguished Senators represents a whole State, some with millions of inhabitants, and all with diversified interests. With the people of the United States calling upon you every day for action upon something of national or international import, the wonder to me is that you have time at all to give any attention to the affairs which vitally affect our interests. That being the case, why not give us a man or two men or three men who will devote their entire time to the interests of the District of Columbia? Why not relieve yourselves of those details? We call Senator Ball the mayor of the city of Washington and the other members of the District Committee are the city council. Why not have one, two, or three men devoted to the people's interests, elected to the Senate and to the House, men who will give their time, their entire time and their whole attention to the affairs of the District?

Of course, some of them have brought in the color question here. I think Congress can take care of the color question. In fact, I understand we have three men for every colored man in the District, and I do not think an issue of that kind will ever come up. It will be a question of good government. It will be a question of good streets, of good sewage, good lighting, of health and sanitation, and all those things which vitally concern a progressive city like the city of Washington.

Then, again, the people will take a special pride in their city. When I came here years ago I was struck with and, in fact, I wrote articles about the total absence of a civic spirit in Washington. But that was before I began to live here. It was the result of a superficial observation. As soon as I lived here my mind began to change and my views have changed, but before that I had written a series of articles upon what I called a total absence of civic spirit. It was then my view that there was no civic pride, and I attributed that condition of mind to the fact that the people of the District had nothing to do with their own government.

We have the most beautiful streets in the world and the most magnificent parks. There is no building on earth, in my mind, especially when the searchlights are playing upon the dome at night, which appeals more to the imagination than the building in which we are holding this hearing. There is nothing which appeals to the imagination and to the poetic instinct more than the broad avenues and the magnificent parks of the city of Washington. Yet, if you talk to the average Washingtonian he does not seem to have more than a passing pride in all these achievements—and why? It is because Congress has done it all for him and he has done nothing for himself. That is the idea. Give us a chance to do something for ourselves, give us a chance to develop under some kind of responsible government, and not to be the mere wards of the Nation, never to be commended for anything we do but only to be spanked when we do not do anything.

It is a marvelous thing to me that men, because they can not get all they are seeking, will oppose a limited suffrage. Please get this into your minds, that I am not pleading for limited suffrage. I want full suffrage. That is my goal; but I want now what you are able to give us now and I want you to give it to us as quickly as you possibly can. I am perfectly willing that the Jones bill or the Burroughs bill be submitted to the people for ratification—perfectly willing—but, in the meantime, I want a voice and I want a man or two men or three men selected by the people of the District of Columbia to come and advise with you, to take some of the burdens off your shoulders, to relieve you of the onerous duties of taking care of the whole of this city. You each have a State to take care of. You have the finances of the Nation to look after. You have to provide for the Army and for the Navy. You have to provide for peace treaties and for our relations with foreign nations. You have all these gigantic tasks to take care of, so why not delegate some of the detailed work with reference to the District to people who know exactly the conditions in the District of Columbia?

Senator Ball, the chairman of the committee, and the other members of the committee, have studiously investigated conditions in Washington. How you have ever found the time to do it is a mystery to me, and it will continue a mystery to the people of this city. It shows that your capacity for work and your devotion to the popular interest is really sublime and great and that you are ready to make real sacrifices for the benefit of the people of the Nation. But why not relieve yourselves from much of this detailed work so that you can give your whole time to matters which concern the hundred and twenty millions of people in this country?

The grandeur of this country appeals to me this morning more than it has ever done, and yet the grandeur of the Senate that is able to leave the vast international affairs, the great things of this Nation, for some time and devote itself to mere matters of improving streets and improving our lighting system and taking care of our parks, and little things of that kind, is something beyond my comprehension. That appeals to me also.

However, as I said, let us have men who will advise you, men who will take care of the affairs of the District of Columbia. I do not want any ward system. I do not want any ward heelers. We have a commission plan of government in the District of Columbia. I think the commission plan of government in the District of Columbia has proved a model upon which hundreds and perhaps thousands of cities of this country have founded and built their new forms of city government. But let us have more to say about how that city government shall be created and how it shall function. Let us have personal pride in being able to say, "Well, we voted for the Delegate who advised this, we voted for the President of the United States who approved this, we voted for the Vice President of the United States who presided over your deliberations in the Senate which finally passed the bill so vastly affecting our interests."

Mr. Chairman, that is all I have to say. Give us what you can, give us as much as you can, and give it to us as quickly as you can. I thank you.

STATEMENT OF EVAN H. TUCKER.

Senator JONES. Mr. Tucker, do you appear in a representative capacity or in your individual capacity?

Mr. TUCKER. Mr. Chairman, I appear as president of the Northeast Washington Citizens' Association. When I say the Northeast Washington Citizens' Association I would like not to be considered as representing a section remote from this building. The geographical sections of the District of Columbia are divided by the Capitol Streets, North Capitol, East Capitol, etc. The northeast section includes, therefore, one quarter of this building which we are in, and includes, I may say, the room in which we now are. That is the section I am representing here. As representing that section, I wish to extend an invitation to all the members of the committee to become members of our association and help us in the good work we are doing.

Mr. Chairman, I am here this morning with a message direct from our people. I have here a resolution which was adopted at the November meeting of the association indorsing the Jones bill in toto. The resolution was unanimously adopted by the meeting.

Senator JONES. Do you desire to have that incorporated in the record?

Mr. TUCKER. Yes; I do.

(The resolution referred to is as follows:)

NORTHEAST WASHINGTON CITIZENS' ASSOCIATION,
Washington, D. C., November 17, 1921.

The COMMITTEE ON THE DISTRICT OF COLUMBIA,
Senate of the United States.

GENTLEMEN: At the last meeting of this association the following resolution was unanimously adopted:

"Resolved by the Northeast Washington Citizens' Association (in regular meeting assembled this 14th day of November, 1921), That it heartily indorses Senate joint resolution 133, proposing an amendment to the Constitution of the United States, providing for representation of the District of Columbia in the Congress of the United States, and for other purposes, and earnestly hopes for its adoption by the Congress of the United States and its ratification by the several State legislatures."

Respectfully,

ROSCOE JENKINS, *Secretary.*

Attest:

EVAN H. TUCKER, *President.*

Mr. TUCKER. Mr. Chairman, I have no formal address to make, and I have not prepared any set speech.

Senator JONES. May I inquire, Mr. Tucker, how many people were present at that meeting when this resolution was adopted?

Mr. TUCKER. I did not count them, but I asked two members afterwards, one of whom said there were 50 and the other said 35. I judge somewhere between those two numbers would be about correct, probably 40 members being present. It was about the usual attendance.

The people of the District of Columbia, as you know, enjoy only the right of petition. We have no voice in our Government whatever. In exercising that right it is necessary to come to Congress, Congress being the legislature of the District of Columbia. We have no complaint to make of our local government. We believe we have the best local city government in the United States. We are not asking for the right to elect commissioners. We have had very able commissioners appointed by the President. We would like to have a voice in the election of the President of the United States who appoints those commissioners, and representation in the Senate which confirms them. There have been cases where we felt that if we had had representation in the Senate probably some of the men who had been appointed would not have been confirmed; but generally speaking the commissioners have been entirely satisfactory to the people of the District of Columbia.

It has been my duty, as the chairman of our committee on legislation, to represent our association before Congress and before the committees of Congress for nearly 30 years. My experience in that line has been very large. I have had an opportunity to see a great deal of the way in which legislation is worked out. I have been in a position to see things that others have not; probably more than most citizens of the District of Columbia. It has been my duty to come and knock at the door of Congress and ask for the legislation that we should have and beg Members of Congress to appropriate the money that we pay in taxes in the way that we would like to have it appropriated. We have had to come and beseech you.

I am not a lobbyist in the sense that the term is ordinarily used. I have never been. I have come here and exercised the right of petition as I am doing here to-day. I have appeared before the committee and made my arguments. I have requested Senators and Members of the House to do what my association has asked to be done, and in every legitimate way have represented our association. I will say now, so there will be no misunderstanding as to whether I might be a lobbyist or not, that that service has been readily given for nearly 30 years without a single penny of compensation.

The gentleman who spoke preceding me, Mr. Fairbairn, may say there is no public spirit in the District of Columbia, but I can assure the committee that there is no local community in the United States that is better organized to-day than is the District of Columbia. These civic bodies are a sufficient answer. We have no other way than to come before you as members of the committee and knock at your doors and beseech you to give us what we need to conduct our city government.

I do not wish to be construed in anything I may say as criticizing any Members of Congress, any Senator, or the Congress itself, but we have come here asking for a certain thing. You gentlemen are considering this question. You are anxious to do what is right for us. We believe that now, and have always believed it. When I come here representing my organization and always believed it. When I come here representing my organization and asking you to do this thing it is proper for me to give you some reasons why this should be done. It is proper to go about it in that way. You naturally want to know why these people are so anxious to secure this representation. The query naturally arises, Have we not represented them all right in the past? As I said, I do not wish to be considered as criticizing anybody. It is not my intention to do so. I have had very pleasant relations with the Members of the House and with Senators and with congressional committees, and they have done a great deal of good work for the District. At the same time we have reasons, very good reasons, why we would like to have representation in this body that makes our laws, imposes our taxes, and appropriates our money.

It has been apparent to me in the past that it is very difficult for Congress properly to represent this District. In the first place the Senators and Members are not familiar with the details of District affairs. There is no one in the Congress who has the time to become really intimate with the detail of District affairs. As the years pass on, and as I said it is a matter of 30 years with me—and I was representing another organization before this—I have seen the growing mass of work that is imposed upon Senators and Members, national and State, to say nothing of the little District of Columbia. The mere fact that you, Senator Jones, are sitting here alone to-day is evidence that it is almost impossible for the busy Senators of the United States to give the time even to this the most important and vital question that we have ever brought before you.

I have been in the House of Representatives on what they call District day. Over there they have a day that is designed to give attention to District legislation. I have been there on some of the District days and counted as many as seven Members of the big House of Representatives sitting there and giving their attention to District affairs. All of these things, Mr. Chairman, make it apparent that it is almost impossible for Congress to give proper attention to District affairs. You need a guiding hand in the Senate and in the House to show what is right and to help you get it through.

There is another phase of the question that appeals to me because I have been so intimately connected with this work that I have seen all these things. Especially in the House, and possibly in some cases in the Senate, the Members are almost fearful of paying strict attention to District affairs for fear of losing their seats. I can cite several instances where Members have lost their seats because they were especially active in promoting some matter pertaining to the District of Columbia. Let me cite just one or two.

When we had up in the District the fight for legislation involving the dollar gas bill many years ago, there was a gentleman from Indiana in the House who fathered the bill and gave his attention to it. The Association of Gas Engineers of the United States got together and flooded his district with literature against him, saying he was here fighting a corporation in this District and asking, "What has he done for his district in Indiana?" He was left at home, naturally.

I remember the honorable chairman of this committee at one time had a very big fight to retain his seat in the Senate because of his activities in behalf of certain measures in the interest of the District of Columbia.

Members of Congress should not be placed in a position where they would have to father these bills and jeopardize their interests in that way. We should have a man in Congress representing the District of Columbia whose duty it would be to father the bills and who would be responsible to us, the people here, and not of those of any State.

I wish to call your attention to some of the acts of Congress that were considered very unsuitable for conditions in the District of Columbia, if not detrimental to the interests of the people, in which we were deprived even of the right of petition. Just think of that. The only right given to us by the Constitution of the United States was taken away by the way Congress manipulated this legislation.

The act of July 1, 1914, known as the Borland amendment, is the first one to which I call your attention. The District appropriation bill had been introduced in the House. When it came up on the floor Mr. Borland, of Missouri, got up,

and he thought he was doing the right thing. They had this method of doing things in Kansas City, where he came from, but Kansas City is not the District of Columbia. There is a different situation entirely. However, he offered the amendment to the District appropriation bill providing that the whole cost of paying the roadway or streets in the District of Columbia should be assessed against the abutting property owners. The bill went through the House with that amendment on it. Where was our right of petition?

We did not have a chance to say a word. The bill passed in that way and came to the Senate. When it came before the Committee of Appropriations of the Senate I immediately asked for a hearing for our association, as I was directed to do. There we had a hearing and we absolutely convinced the Committee on Appropriations of the Senate that the legislation was vicious legislation and did not suit the District of Columbia in any way and was not proper and did not fit. It was extreme injustice here, even if it did fit in Kansas City, Mo.

The Senate Committee on Appropriations immediately struck out that item from the bill. The bill went into the Senate and passed without that item in it. Then, the bill went to conference, where again we were unable to be heard and where we had no right of petition. In that conference the Senate conferees stood for our rights until the last minute, but when it came to about the last day of the session, I think Senator Gallinger told me it was the last day of the session, in order to secure the appropriation of money to run the District and pay the salaries of our employees and pave the streets, in order to get a single cent appropriated, it was necessary for the Senate conferees to yield and make a compromise on that item, which they knew was wrong and unjust to our people, but they had to do it in order to give something to run the District with and so they split the difference and made it one-half, providing that we should pay half of the cost of paving the roadways of our streets. It is one of the most unjust measures ever passed by the Congress against the interests of the people of the District of Columbia. Thereby we were deprived even of the right of petition which is guaranteed us by the Constitution of the United States.

On June 26, 1912, an act was passed providing that in the future whenever appropriation is made for the purchase of public parks in the District of Columbia not less than one-third of the cost of those parks should be assessed against abutting property. Think of the justice of that after thousands of dollars had been appropriated for parks in the northwest section and other sections. This item was tacked onto a bill which provided for the purchase of two little tracts over here in East Washington. When they found that poor section of the city, East Washington, was to get a little bit in the way of a public park, they said, "You must pay for it out of your pockets." Now, where is the justice in that? If that system had been followed in the past when you were appropriating half a million dollars for Meridian Hill Park, which is up on a hill, and is costing hundreds of thousands of dollars to hold it there, then, there would have been a little justice in saying, when the people in East Washington wanted a park, that they should be assessed at the same rate that was assessed against those in the northwest where the aristocrats live.

We are not, as I said, criticizing any Member of Congress. We are only telling you the facts and some of the reasons why we need somebody to look after our interests in the Senate and in the House.

The next act to which I wish to call your attention is the act of July 21, 1914, in which an appropriation was made for the reclamation of the Anacostia Flats over in east Washington again. They added an amendment to the bill cutting out our right of petition again. I think this was done probably in the conference committee. It provided that there should be an assessment of benefits for that improvement. After they had made improvements all over the city without any such provision whatever, then when it came to getting a little bit in east Washington, the poor section of the city, they said, "You shall have the benefits assessed against your little home to pay for it"

Again, there was the act of September 1, 1916, assessing the intangible personal property in the District of Columbia. There is a measure which I think Congress would not ever have passed if they had had somebody in Congress who really knew the situation in the District of Columbia and could explain the measure. It was put on in this case as an amendment to the District appropriation bill in the Senate after the bill had passed the House without it. The

bill came to the Senate, and some Senator got up and made a motion to add this amendment. He probably thought it was all right, but it did not fit here and it is unjust. Let me explain why:

The man who has a mortgage on his home, for instance, is not only paying taxes on his property but he has to pay a tax again on his mortgage on that property. Where is the justice in that? He is paying double taxation, and the poor man has to stand while the rich man who owns the note behind the mortgage goes tax free on that note. There is no justice in that. I do not mean that the Senate intended to be unjust. They were just misinformed and did not know. They needed guidance.

There are other measures of that sort, but I shall not take your time to go into them further. You all know these are facts, and if there is any question about it they can be ascertained easily.

Then, of course, there have been any number of acts of omission on the part of Congress, where they have failed to make provision for the District, that we think should have been made. For instance, take the school situation to-day. If Congress had been guided by the requests of the citizens in the past, the present condition would not exist. We have been before you, knocking at your door and requesting appropriations for the schools. Thirteen years ago I went before the Committee on Appropriations and asked for an appropriation for a new Eastern High School. There was a beautiful plot of ground at that time which was locally situated exactly right for that building. It was offered for sale at \$75,000. The board of education requested its purchase, and we went before the committee and asked for an appropriation of \$75,000 for the purchase of that site. Congress failed to make the appropriation. In the next two or three years speculative builders bought the whole square, subdivided it, and built it up solidly with residence property. We lost that site. About eight years later, when Congress finally saw that they must make appropriation for a site for a high-school building, they found it necessary to appropriate \$150,000 in order to buy a site, and then we had to go away out a great deal farther than was really proper to accommodate the people who the school was to serve.

That school building was needed then when we asked for it 13 years ago. It is now being built, and we hope to have it occupied in the course of a year or so. But that incident shows the way those things go. We need that guiding hand, somebody to explain the school situation and everything else so that Congress will be absolutely familiar with the situation. We are not blaming Congress for these things, because it is difficult for all the Members of Congress to understand and see just what our situation is.

In regard to the school question further, you are probably familiar with the fact that we have nearly \$5,000,000 in the Treasury of the United States to our credit that has never been appropriated. If we had carried on our school program, if we had provided for the increase in our water supply, and those other things that have been asked and pleaded for by our citizens there would have been no need for any surplus in the Treasury, because that \$5,000,000 would have been matched with an equal \$5,000,000 by the Federal Government and we could have used the money to carry on the necessary things in the interest of our city.

These, I think, are fair reasons why we should have District representation. However, there is another phase of the question that appeals especially to me, and if you will pardon me I would like to use myself in this case as an example of how it works.

I am a native of the District of Columbia. My father was born here in 1819, 102 years ago. He was a native of the District of Columbia. As a boy when I was growing up I felt that I was an American citizen. I was told that every citizen of the United States had a vote and had a right to vote for President and even to be President and to be a Member of Congress or a Senator. I supposed that I was a real American citizen, just like anybody else in the United States. After a while, when I got a little older and became able to study a little into the conditions here, I found that I had been deprived of my birthright and that I was not an American citizen. I did not have the rights of other American citizens. I felt badly about it. I felt as though it was no fault of mine that I was born in the District, that my father was a native of the District, etc.

You gentlemen and a great many other people in Washington who come from the States have a great deal of pride and reverence for your home town, for your home State. You talk about what it is back home. I have even heard some of them say it is God's country, and things of that sort. You like that home. Probably your ancestors are buried in the soil in some little churchyard or some

cemetery back there. You have reverence for that ground. You love that ground. I have the same feeling for my home in the District of Columbia. My ancestors are buried here. My grandfather, when he came back here from serving the country in the War of 1812, settled in the District of Columbia. He and my grandmother are buried in this soil. My parents are buried in this soil. I have all of those feelings, all that reverence for home, that you people from the States have and I have more, too, because your home town is not the Capital of the greatest Nation on the face of the earth.

I take great pride in being a citizen of the District of Columbia, because I am a citizen of the Capital of the greatest Nation on the face of the earth. I take pride in that. I wish to improve it. I want to make it the most beautiful Capital and the most healthful Capital and the great educational center and everything that it should be to be appropriate for the Capital of the greatest Nation on the face of the earth. I have that pride in it.

Now, in order to enjoy the rights of other citizens of the United States I must leave this city, my home, leave this soil, leave the home of my ancestors, leave all my friends and all my business relations and everything else, in order to exercise the right to vote, the right that was granted every American citizen. Now, is that right? Is that just? Would you gentlemen feel that you ought to leave your home town that you love so well in order that you might be American citizens and exercise that right? I feel that that is a point that should not be overlooked. Should there be any place in this Nation where a person born in a town should have to go away to exercise the right of American citizenship?

Mr. Chairman, that is all I have to say. I thank you.

STATEMENT OF DONALD MACPHERSON.

Senator JONES. Mr. Macpherson, do you come in a representative capacity or just as an individual?

Mr. MACPHERSON. I come as an individual. I am under the impression that I possibly represent a good many unorganized persons. I do not come here with a finished address nor of any particular length, but I knew from the observations of the discussion for a long time, both in the newspapers in the District and of individuals who have verbally discussed the matter before Senate committees, that my views might be expressed in a little different manner.

I want to call attention to the generic principles which I think the committee will recognize and citizens who are here will recognize as being very valid. I do not intend to go to the extent of analyzing my views or the axioms or dogmatic statements that may seem to compose my propositions, but I think they will all tie together and be recognized as having some considerable validity. The statement which I have to make to you simply consists of brief suggestions of which I have made note, without much analysis or perhaps literary cohesion, but I think, Mr. Chairman, they will all tie together in a way that will appeal to the hearer as being valid.

For the purpose of calling attention to a group of ideas, the first I entitle "Psychic influences." For my views respecting the influence of and results of suffrage and representation in Congress, see pages 48 to 53 in the brief of the joint citizens' committee before Congress, January, 1921. I refer to that in this way to save the time and the labor of organizing my thoughts. As to that influence and purpose it has my approval and I accept it as a part of my discussion.

The quality of the people; that is, the citizens, of the District of Columbia depends upon the exercise of functions, privileges, and obligations. The exercise of functions produces power. The possession of power induces effort. The exercise of effort produces power which may mean mental complexity and ability which may mean culture, which means efficiency.

Progress depends on the exercise of effort and no efficient effort can be made without due quantity and quality of power or ability.

Effort alone will not be made without the stimulus of the hope of reward. I hope I do not need to analyze and to expend upon what reward means, not here. What is deemed a reward depends upon the social state, that is the civilization of society or the individual.

A society or the individuals composing it will be formed or influenced by the general conditions, heredity and environment. They are generic and cosmic. The environment—the Congress and official life in this case—will reciprocally be improved.

The next thought is "the law of the land." The supreme law under cosmic evolution is the law of survival. The evolution of society is cosmic and can not be suppressed. It must be expressed or exhibited in some form or manner, either by progress or by degradation, sometimes called conservatism. I would here make reference to a remark made by Lord Roseberry. While that does not make it, it suffices as a way of introduction. I would call attention to Lord Roseberry's Reflections Upon the Suppression of Human Rights. The so-called conservatism of society or government is the most unsafe and dangerous exercise of government or law.

The next thought is "the fathers and the Constitution."

Senator JONES. May I suggest, Mr. Macpherson, that there are two or three others who desire to be heard this morning and our time is very limited? I would suggest that you pass over the general propositions and come down to your specific reasons.

Mr. MACPHERSON. I am coming right to them now.

Senator JONES. Very well.

Mr. MACPHERSON. The Constitution and laws with their conceptions have changed both by amendment and conception and through judicial decisions. They must change and be changed. When the evolution of society is unduly prevented evil results in some form—inferiority, degradation, and even revolution. In some degree, for the purpose of this discussion, it is immaterial as to what the fathers intended in all respects as to the ultimate use and destiny of the District of Columbia. I am reciting this for the purpose of showing that whatever they did was done necessarily, to use a term which I have previously used, for the purpose of survival, for the social welfare and general welfare of the people of the United States. That is why they established the District of Columbia. But I desire also to have you understand that notwithstanding that the results upon the citizens can not be otherwise than prejudicial.

It must submit to cosmic social evolution that could not be known at the time of the convention.

"Good government" is the next thought. A good government is a relative matter and not easily defined or understood. In its progress or development it will necessarily be changed and the society requires a different form and different quality. Government, or a good government of high quality, as I have said heretofore, involved the development and complexity of the individual. I tried to have you understand when I began that I did not care to go over the ground that other people have covered, but they do, neglect the generic and cosmic principles which I think are not any too well known. It is the effect upon the individual and characteristics that it produces in society, in subordinated and subjugated persons who are employees of the District especially before the enactment of the civil-service law. There is no disputing the fact that the employees of the bureaus and of the Government were a subordinate and impaired citizenship.

A good government can not be the result of what Mr. Herbert Spencer called a benevolent despotism. A government under the control of either a political or ecclesiastical despotism is a bad and an unworthy government. There must be the struggle for the survival of the fit—moral, ethical, and physical supremacy—and the superior should survive. The right to aspiration and the reward of variation due to aspiration and efficiency is a manifestation of good government. Good government is not innocent simplicity or stupidity and a regard under subjection, mental or more, to the laws.

In this connection I would cite a chapter by G. Archibald Reid, a distinguished scientist and physician of London, discussing the twenty-third chapter of his work entitled "Heredity." I am not presuming that the committee or anybody else will read it, but it would give a very large amount of valuable information if it should be read. General principles are more worthy of consideration by this committee than details of domestic matters.

Now, I come to the question of "a Delegate in Congress." A Delegate in Congress for the District of Columbia is unnecessary and would have no value. It would not be superior to or equal our present status, for we now have a good system of representation so far as Delegates are concerned, for we now have three excellent Delegates, the three commissioners. That they are appointed by the President as commissioners or Delegates is immaterial. They, as such, had better be selected in that manner. As such, the citizens do not need to vote for them, or the board of education; it is of no value. It would be no manifestation or exercise of power. I want it to be understood, Mr. Chairman, that

I am German in this respect, perhaps, but I want the exercise of power. I want to have Members of Congress and Senators who can be peers and exercise the power. It would furnish no prestige—and I want this point particularly noted—to the constituency, the citizens of the District of Columbia. That is not suffrage. Parenthetically, I have heard it stated frequently by citizens of the District of Columbia that we had suffrage here a number of years ago and they voted for somebody for some purpose or other. That is utterly without value as furnishing a correct precedent.

I now come to the question of "representation in Congress." Suffrage and representation in Congress would greatly add to the efficiency and prestige of the District of Columbia.

Mr. Chairman, I hope that you and others will now begin to see that my conclusions are all tied up to my axioms set forth in the beginning of my statement.

I repeat, that suffrage here and representation in Congress would greatly add to the efficiency and prestige of the District of Columbia. Congress itself would, in some degree, be aided or added to by its further association with equal or competing peers or legal equals. What I have said heretofore I need not repeat, but I think it is necessary to say that analysis is not necessary to enforce that proposition—not now.

They would be required to respond to the sentiment and wishes of their constituents, the citizens of the District of Columbia. Their relation to the District of Columbia and to the United States would be substantially or relatively the same as that of other Senators and Members of Congress in proportion to their number. Naturally and necessarily they could and would respond to the legitimate demands and requirements of their constituents.

I come next to "the right to a forum." Now, the citizens have no forum or right to a forum in the District of Columbia. What they receive now is a matter of grace, suffrance, or permission. The newspapers and journals of the District or elsewhere represent their owners, editors, and stockholders. Whenever expression is given to the citizen through the journalism of the District it will be only as an incidental matter—that is, that it happens to meet the approval of the owners of the corporation, the newspaper. That is perfectly natural and likely legitimate. They must conduct their own enterprise, and its success in some degree depends upon conformation to public approval and sentiment.

My next thought has to do with "the necessities and benefits of the exercise of suffrage." It is immaterial whether some of the citizens of the District of Columbia desire to vote or not, as the implication is in my previous statement, because it becomes their duty to exercise that function. Not to desire to exercise such a function and assume responsibilities of government is to concede individual and social inferiority and degradation. That has been referred to in early times by Macaulay in the history of English suffrage. In certain of the election districts of England under the condition of intellectual and moral depression the citizens had no desire to vote. At that time they were required or compelled to exercise the suffrage in certain cases. The implication and expression by Mr. Macaulay was that it was an indication of very low state of the people of those election districts.

I next come to some concrete cases which I deem of the least importance, so far as I am concerned, in the discussion and for the action of the committee. Possibly almost everything can be reduced to dollars and cents, morally and ethically.

The brief that has been referred to is worthy the consideration of the committee. There are legislative needs in the District of Columbia—many that can not very well be given the attention of Congress in its present form—that would likely receive more adequate attention by the representation which I have implied. It is not necessary for me to enlarge upon that. Mr. Tucker has very fully, and hundreds of others have likewise, given expression to the details. Some acts of Congress probably would not have been approved if representation in Congress were in a position to receive the desires and instructions of their constituents and other matters might be enacted that would be beneficial that can not be or are not considered now.

To cite one instance—there should be a snow and ice law for the removal of snow and ice from the sidewalks. They are in winters here found in very dangerous condition. Were an inventory taken of the damages and injuries caused to people by falls upon the sidewalks of the District, the category would be a long and serious one. I am a personal example of that myself. I have a broken hip, had three months in the hospital, and have an injury for life.

There was also passed an act called the Borland amendment to the District appropriation bill. It is a bad law, injurious particularly to the suburbs of the District. It is not likely that such a law would have been passed if their representations could have been made by an exponent of the District in the manner to which I have previously referred.

The Torrens land-title system should be established in the District of Columbia. The public or the State should furnish or insure title at a nominal expense to the applicant. The present system in the District of Columbia is exceedingly expensive, which is entirely unnecessary. I have that by personal experience also. The Torrens system is established in most of the States of the Union and in other countries of the world.

Mr. Chairman, I can say in conclusion in a general way that I am in favor of representation by not one Senator, but two Senators, a representation in Congress to pro rate the same as any other of the Commonwealths of the country. The legislation respecting the details of the municipal or State governments I at present am not interested in. I think that its exercise is about as good as it can be under the present management so far as the municipal domestic exercise is concerned.

That is the limit of my statement, Mr. Chairman, and I am very much obliged for your patience.

STATEMENT OF MRS. FRANK HIRAM SNELL.

Senator JONES. Mrs. Snell, do you appear in a representative capacity or as an individual?

Mrs. SNELL. I represent the Women's City Club. More than a year ago a suffrage committee was selected from the membership of the club. We had several meetings and various gentlemen came to the meetings to explain their plans for suffrage and to urge us to adopt a certain course of action. The committee evolved a resolution, and I offered it to the club at the regular monthly business meeting. The resolution was to the effect that we approved of suffrage and that we urged active support of the joint committee which was working upon the constitutional amendment. So the club was by that resolution committed to this particular form of suffrage.

Then, for reasons which it is not necessary to particularize at this time, because they have been so very ably presented in the last hearing before this committee, I thought that possibly that resolution was a little too limited, and in my own private capacity, not as a member of the suffrage committee, I offered a resolution as comprehensive as I could make it, and, of course, perfectly simple in its language, providing that "We favor the granting of national and local suffrage and representation in the Electoral College to the residents of the District of Columbia."

So I say, Mr. Chairman, that the Women's City Club is committed to suffrage in whatever form the Senate committee produces it. This vote was not taken at great effort; in fact, it was just taken in the ordinary course of a regular business meeting. I rose and offered the resolution. The motion to adopt it was seconded. There were no speeches; there were no remarks. "All those in favor will say 'Aye.' 'Aye.' Contrary minded? Nont at all." So that it was a unanimous vote in both cases. It must represent, and does represent, the very solid and enduring opinion of the Women's City Club—nothing transient, nothing temporary.

No effort was made, nobody was called up by telephone and asked to come and support the resolution; nobody had been whipped into line by being told, "If you do not vote for this we will not vote for you or for your plan," or anything of that kind. It was simply in the ordinary course of business at the regular business meeting. Therefore I think it must be considered that it represents the enduring and solid opinion of the membership of the Women's City Club.

This vote was taken a year ago, and at that time the membership of the Women's City Club was between 2,200 and 2,300. That is a very large organization. Our organization is most comprehensive. There is nothing else in the city of Washington which is so comprehensive, so all embracing as our club. For instance, there are various women's clubs and we have many of them and they are all splendid but all limited in scope and membership. There is the League of American Pen Women. You know what that means. We have penwomen in our club, but our members are not entirely penwomen. There is the National Association of University Women. That scope is shown by its name. We have university women in our club, but they are not entirely university women. Then there is the College Women's Club, still more limited in scope

than the University Club. We have college women in our club, but they are not entirely college women. There is the Arts and Crafts Club, which takes in members of both sexes, I think. We have members from that club. We have members from the Washington Club and from the Congressional Club. We have members, I think, from every club in the city.

Then we include what for want of a better word I call every class of women. We have women who sing for a living, who play the piano for a living, who lecture for a living. We have women who lecture not so much for money as from the urge for effort which seems to be apparent among all the women now, especially if they are connected very closely with other women who earn their living. We have those women. We have women who work on F Street. We have women who are in the real estate business. We have women who are in the insurance business. We have women who are dentists, and we have women who are in business of every kind. We have many women lawyers, of course; that would be natural. We have many women who work in the departments of the Government. We have women whose incomes are very large and who spend them on what they call serious objects. Then, we have women who spend their incomes on what we call quite frivolous objects. We have women who live on their incomes, and those incomes are so small that they live in one room, and their only entertainment and social life comes from our club.

I have gone into this with some particularity, Mr. Chairman, because it seems as if it must show that the Women's City Club is a city club not only in name but in fact. It takes in every kind of women that come into the city of Washington. Any woman who is 18 years of age or over and who is vouched for by two members can become a member.

So when we say we are for suffrage it does seem to me that our influence should be very carefully considered, since our membership is so all embracing. Not only that, but I think I must say that many of the women are married, and I think I may fairly infer that many of their husbands may not agree with them. I know in the old days some people used to tell us that the wives would vote with their husbands, and the husbands would represent their wives. We do not quite agree to that, and I perhaps may now say that many of the wives would represent the opinions of their husbands on the question of suffrage. That would increase that vote of 2,200 or 2 300 by, I should think it could be fairly stated, many more hundred.

I think I have said all that I need say. I may repeat that I represent the Women's City Club. I am on the suffrage committee, and I am here to tell you this message. We beg you, we beseech you, to give us some favorable report.

I was thinking the other day when Senator Ball sat here with what was so aptly called his patient courtesy, how I had first met Senator Ball. I had been up and down the Atlantic coast in charge of the actual work of organization, and I finally found myself in that very quaint, charming town with its almost oldest courthouse in the country, its delightful and very, very old houses, and its charming square—Dover, Del. Senator Ball and I were there on the same errand; I very obscurely and he in the full splendor which a United States Senator always has in his own State. He labored very earnestly with those State legislators and with the utmost conviction, and we were all perfectly assured, we women who were there in numbers, that Senator Ball was doing his very utmost to get what we wanted. His efforts came to most splendid fruition later. We were on opposite sides of the political fence at that time and we still are, but Senator Ball, of course, treated me with the same intelligent and patient courtesy with which he has treated those people who have come before him.

So now, Mr. Chairman, I hope that Senator Ball as chairman of your committee will really and earnestly recommend some form of suffrage for the District.

Senator JONES. May I inquire how many were present at the meeting when these resolutions were passed?

Mrs. SNELL. This was the regular business meeting of the club which comes on Monday night. I may understate it, but there were perhaps 150 women—I dare say there were 200. You know what the membership would be. It is the regular monthly meeting, with no call for anything special.

STATEMENT OF FRANK SPRIGG PERRY.

Senator JONES. You may proceed, Mr. Perry.

Mr. PERRY. If the committee please, I would at the beginning in a measure introduce myself to the committee. I have been practicing law in Washington for 20 years. I was at one time assistant United States district attorney here. I am at the present time an assistant professor of constitutional law at George-

town University, a member of the Cathedral Heights Citizens' Association and of the Cleveland Park Community Service, and also a member of the committee of the National Representation of the Board of Trade. I am here simply in my individual capacity and not speaking for any of these organizations.

I feel that I would be derelict in my duty in opening any remarks on District of Columbia suffrage without paying some tribute, small though it may be, to Mr. Henry B. F. Macfarland, who but recently passed away. Mr. Macfarland, as we all know, was a District commissioner for many years and labored very earnestly as an advocate of suffrage. It is to be hoped by all those who favor suffrage that the life and example of Mr. Macfarland may weigh strongly with this and every other committee before which the suffrage issue of the District is presented.

My name is not Dawes and I was not a brigadier general in the United States Army during the war, but I served eight months in France, and I became more or less familiar with the brand of emphasis that Gen. Dawes used before a recent committee of the House of Representatives. When I come to consider the relationship which the people of the District of Columbia bear to the National Government I can only say that it is an outrage that 437,571 citizens of the District of Columbia are deprived of all representation in the National Government or in their local affairs. It is an outrage that this great Government of ours welcomes every year to our shores hundreds of thousands of foreign immigrants, urges them to settle in the various States, urges them to accept a United States citizenship, to handle their own affairs and become voters, and at the same time refuses that right to native-born, intelligent citizens of Washington. I understand that during the fiscal year which ended June 30, 1920, the number of immigrants who came into our country was 430,001, just a few thousand less than the citizenship of Washington, and during the last fiscal year the number exceeded 800,000.

Mr. Chairman, I am in favor of the principles of each one of the several bills which have been presented to this committee—the bill which has been presented by yourself, Senator Jones, the bills which have been presented by Senator Capper and Senator Poindexter. The principles of each one of those bills are in favor of some measure of suffrage for the District of Columbia, and I am for the principles of each and every one of them. It will be observed that the elements of suffrage of Statehood are twofold. Statehood consists of a national representation in the councils of the Nation and in voting for the President and Vice President of the United States. Statehood also bears with it a local significance—that by which each State manages its own individual affairs without reference to the other States of the Nation or without reference to the Federal Government.

The bill providing for national representation picks out one portion of this element of a State—that is, national representation—and lays emphasis on that and seeks to have that passed by Congress independent of the other elements of statehood. In like manner the Poindexter and Capper bills pick out other elements of statehood and they attempt to have those elements of statehood passed by Congress to the exclusion of the national aspects. If we take these several bills together, it will be found that combined in their underlying principles they simply make a State of the American Union. In other words, if all the parties presenting suffrage before this committee were present urging their particular choice measures, their united voice would spell but one word, and that would be statehood.

We have all agreed in a measure that national representation is a most desirable thing. The bill providing for a constitutional amendment by which the District of Columbia would have some representation in Congress or in the Senate and House has been acted upon favorably by all, or practically all, of the civic bodies of Washington. The great difficulty with that bill is the fact that it provides for a constitutional amendment, which requires a two-thirds vote in each House of Congress and the ratification by three-fourths of the legislatures of the various States. This is a most cumbersome method. It is respectfully suggested to the committee that statehood would be a much more simple and direct form by which this most desirable object could be secured and that the State of Columbia could be erected simply by an act of Congress, with, perhaps, the consent of the Legislature of the State of Maryland.

During the course of these hearings the chairman of the committee, Senator Ball, took occasion to refer to the element of local self-government as one which had been peculiarly committed by the Constitution to the Congress of the United States. He suggested that if the local self-government were urged

by the various organizations here, perhaps such an effort would defeat their ends to secure other and more desirable methods of suffrage. I would suggest to the committee if there was one solemn promise made to the citizens of the District of Columbia by the founders of the Constitution, it was that they should have local self-government.

As we all know, the series of articles which were presented and collected in the *Federalist* were issued about the time that the Constitution was being considered by the various State conventions which were called to ratify that instrument. Article 43 of the *Federalist* was prepared by James Madison, who subsequently became the fourth President of the United States. He was one of the signers of the Constitution and was in fact the man who proposed the very clause in the Constitution by which the District of Columbia was erected. In this article 43 of the *Federalist* James Madison stated specifically that local suffrage would be granted as a matter of course to the inhabitants of the District of Columbia. That, as I said, was not only an authoritative statement coming from one of those who had presented this matter to the constitutional convention, but it was also in a measure almost a promise to the inhabitants, because this article was presented in order to obviate any difficulties that might be met with in the adoption of the Constitution. So I say local self-government was promised to the District inhabitants.

Senator JONES. That promise was not embodied in the Constitution, however, was it?

Mr. PERRY. It was not embodied in the Constitution, if the chairman please, but as I wish to urge upon the committee the *Federalist* is considered as an exponent of the Constitution. It is the most authoritative statement outside of the wording of the Constitution that can be found. The article in the *Federalist* to which I referred, Article 43, was written by James Madison, subsequently fourth President of the United States and one of the signers of the Constitution. He stated in his argument for the adoption of the Constitution that "as a municipal legislature for local purposes derived from their own suffrages will of course be allowed them." That was in reference to the inhabitants of the District of Columbia. That promise was acted upon until 1871 and there were a long line of mayors of Washington who were elected by the local inhabitants of the city.

To come again to local self-government, what possible objection can there be to having local self-government for the inhabitants of the District of Columbia? We speak of national representation, we speak of local self-government, the two elements of statehood. We know that national representation receives almost the unanimous support of the District and has met with quite favorable response before the members of this committee and before the Members of Congress. In other words, there is no serious objection to national representation other than what would be developed in connection with the admission of any new State into the Union.

In regard to local self-government, what possible interest has the Congress of the United States in the local affairs of Washington? I brought with me the Code of the District of Columbia as amended to March 4, 1911. Members of the committee can take the code and read it from cover to cover. You can take the table of contents and glance over that. There is not one single article in that code which in any way affects the authority of Congress or in which Congress is in any way interested. What difference does it make to Members of Congress what our laws are for the distribution and descent of property, whether or not if a man steals \$35 or under or over he is convicted of petty larceny or grand larceny? Those are matters merely of local concern. Consequently it seems to me that as a matter of local self-government there is no good reason why Congress should not grant local self government to the District.

In fact, in the very able argument made by Mr. Glassie at a previous hearing before this committee, Mr. Glassie referred to the fact that it was necessary for the District to have some representative in both the Senate and the House, preferably a representative with a vote, a representative who would be heard and listened to. Why? Because it was necessary, as he stated, for that representative to inform the Members of Congress, Members of the Senate and Members of the House of Representatives, of the local needs of the people. I carry Mr. Glassie's argument one step further. I say that it does not appear to me that Members of Congress have any interest whatsoever in these local affairs of the District, that it is a matter purely and simply for the residents of the District, and that they can be entrusted with and given authority to govern these matters as they see fit.

What interest then has Congress in the District of Columbia? It would seem to me that the only interest, the only possible interest that Congress may have in the District of Columbia as such—that is, apart from the other portions of the United States—is for the protection of Federal property and Federal deliberations and for the distribution of public funds in the District. These are the two objects which the Congress has in view in retaining control over the District of Columbia, and the only two objects that the Congress need concern itself with so far as the District of Columbia is concerned.

That being so I would respectfully suggest to the committee that if a State is erected out of the District of Columbia, the vital national interests can be protected by reservations in the enabling act creating that State, or if the committee wishes to grant statehood to the District of Columbia in a little different form, it can return to the State of Maryland the District of Columbia and at the same time reserve those vital national interests. Of course, as a resident of the District of Columbia I consider that the best method of securing statehood for the District would be by the erection of a sovereign State, the State of Columbia.

There can be no possible conflict of jurisdiction between the Federal Government and the State government if the State of Columbia were erected here. The inhabitants or the citizens of Olympia in the State of Washington are not at dagger's points with the rest of the State, nor do the inhabitants of the City of Austin in Texas have constant disputes with the balance of the State of Texas as to their respective rights and privileges; nor indeed do the citizens of Dover in Delaware have constant conflict with the other citizens of Delaware. There is harmony, and in the same way, if the District of Columbia should be erected into a State, there would be no reasonable conflict between the two.

Congressman Welty is quoted as having given an excellent illustration of the peculiar situation in which the District of Columbia finds itself. It appears that a young boy of Italian extraction was brought before the juvenile court in New York City. The father urged the judge to send the boy to the reform school, and stated that he was utterly unable to restrain him at home. The judge then took upon himself to question the youngster. "Guiseppe," he said, "why is it that you do not obey your father? Why is it that whenever your father attempts to correct you you insist upon fighting and striking him?" "Well, sir," said the boy, "it is this way. You see I was born in America and my father was born on the other side. I am an American and I don't like to have any damned foreigner whip me."

That is pretty much the situation in which the inhabitants of the District of Columbia find themselves. They were born here, many of them; they have their interests in Washington; and while they have the same paternal love and affection for the great National Government which all of the citizens of our country have, nevertheless they do feel some local pride in their city and they do wish to have some participation not only in the National Government but in the local affairs of Washington.

There is a striking analogy between the fight for District suffrage and the fight which the women made for national suffrage. For many years the flame of woman suffrage was kept alight by a band of a few women, just like in the District of Columbia for many years the flame of District suffrage has been kept alive by such of our leaders as Mr. Theodore Noyes, and Mr. Henry B. F. Macfarland, and others.

It was said, of course, in regard to woman suffrage, just as it has been said in regard to District suffrage, that the large majority of the women or a large majority of the inhabitants of the District were opposed to suffrage in any form. It was said in regard to woman suffrage, just as it has been said in regard to District suffrage, that a small and select body of propagandists had organized this campaign for their own purposes. Nevertheless, in spite of force, and threats, and jails, the women secured their suffrage, and not only suffrage for one State but full national representation. I hope and I pray that neither the District of Columbia jail nor the workhouse at Occoquan will ever be a gathering place for the sons and daughters of the State of Columbia, but, Mr. Chairman, this is a serious question with us. We are dead in earnest. Many of us are willing to go to the utmost extreme to convince the Congress of this proposition that we do wish something done in the way of securing American citizenship. We are tired of being wards of the Nation, and we do wish representation in some form or other.

Mr. Chairman, I have two articles here on the question of statehood which I would like to have incorporated as a part of my remarks.

Senator JONES. Very well.

(The articles referred to are as follows:)

[Published in Washington Law Reporter of Sept. 3, 1920.]

STATEHOOD FOR THE DISTRICT OF COLUMBIA.

Memorandum prepared by Frank Sprigg Perry, August, 1920.

The various civic organizations in the District of Columbia adopted certain resolutions to be presented to the Democratic and Republican National Conventions in June, 1920. These resolutions set out the "basic right" of every following:

"We urge most earnestly the inclusion of a plank in the Democratic (Republican) platform of 1920 which shall recognize and reaffirm the above-stated American principle and shall approve a constitutional amendment granting or empowering Congress to grant representation in House, Senate, and Electoral College to residents of the District of Columbia."

The resolutions were signed by James F. Oyster, president Washington Board of Trade; Robert N. Harper, president Washington Chamber of Commerce; Philip King, president Merchants & Manufacturers' Association; W. B. Westlake, president Federation of Citizens' Associations; E. Lester Jones, chairman Veterans' Committee for District of Columbia Suffrage; John B. Colpoys, chairman Labor Committee for District of Columbia Suffrage; Winfield Jones, chairman National Press Committee for District of Columbia suffrage; Luther C. Steward, president Federation of Federal Employees; and Theodore W. Noyes, chairman Citizens' Joint Committee on National Representation for the District of Columbia.

Too great praise can not be extended to these organizations and to those devoted citizens who have for years worked for suffrage in the District of Columbia.

As a citizen of the District of Columbia and one whose interests are deeply affected I wish earnestly to submit another method for securing the suffrage for our people, a method which may be found to be more plain, simple, and direct than that of a constitutional amendment.

The Congress can comply with the demand of the people for suffrage by erecting-out of the present District of Columbia

THE STATE OF COLUMBIA.

This method will not require the adoption of an amendment to the Constitution. An act of Congress with, perhaps, the consent of the legislature of the State of Maryland, can form a State out of the District of Columbia. Needless to say, this method would probably obtain suffrage more quickly than through a constitutional amendment. A constitutional amendment would require not only the passage of an act of Congress by a two-thirds vote of each House, but the consent of the legislatures of three-fourths of the 48 States.

An example of the difficulties and delay in the way of securing the adoption of an amendment to the Constitution is found in the fact that the Susan B. Anthony amendment providing for womens' suffrage was introduced in Congress in 1878 and adopted in 1920. Forty-two years would be a long time to wait for suffrage in the District of Columbia if some other method will avail more quickly.

AUTHORITY.

Under the Constitution, Congress has the right to erect new States and admit new States into the Union. This can be done from any Territory over which Congress has exclusive jurisdiction, and it matters not whether that Territory has an organized Territorial government or is an unorganized territory. While many States were admitted only after they had been organized as Territories, one State, California, had no previous territorial or State government before its admission. Vermont, Maine, Kentucky, and West Virginia were formed from parts of other States with the consent of the legislatures of the States affected. There is no provision in the Constitution limiting or

defining the territory of the United States which may be erected into a State; nor is there any provision which prohibits Congress from erecting the State of Columbia out of the District of Columbia.

The District of Columbia is territory belonging to the United States and it can be considered as an organized or unorganized Territory. In either case Congress exercises exclusive jurisdiction over such Territory and has the right to admit it into the Union as a State.

There can be no question of the authority of Congress to erect the State of Columbia out of the District of Columbia. Uniformly, the Supreme Court of the United States has considered the District of Columbia as a species of a Territorial form of government. Mr. Justice Harlan, in the case of *Callan v. Wilson* (127 U. S., 540), held in regard to certain personal rights:

“We can not think that the people of this District (of Columbia) have, in that regard, less rights than those accorded to the people of the Territories of the United States.”

In 1903 Mr. Justice Brewer said in the case of *Binns v. United States* (194 U. S., 486):

“It must be remembered that Congress in the government of the Territories as well as of the District of Columbia has plenary power, save as controlled by the provisions of the Constitution.”

In the opinion of the court in the *Employers' Liability Cases* (207 U. S., 500), Mr. Justice White, in 1907, said that the legislative power of Congress over the District of Columbia and the Territories was “plenary.”

The word “plenary” is defined in the *Standard Dictionary* as being:

“(1) Full in all respects or requisites; entire; absolute; also, complete, as embracing all the parts or members; as, plenary authority; plenary inspiration. Plenary is opposed to partial.

“(2) Having full powers; as a plenary council.”

In the consideration of the *Insular Tariff* cases after the Spanish War, Mr. Justice Brown, in writing the opinion of the court in the case of *De Lima v. Bidwell* (182 U. S., 196), said:

“Under this power (to govern and control the Territories) Congress may deal with territory acquired by treaty; may administer its government as it does that of the District of Columbia; it may organize a local territorial government; it may admit it as a State upon an equality with other States; it may sell its public lands to individual citizens or may donate them as homesteads to actual settlers. In short, when once acquired by treaty it belongs to the United States and is subject to the disposition of Congress.”

There are numerous other cases in the reports of our highest court which emphasize the fact that Congress in general exercises over the District of Columbia the same kind and degree of authority it exercises over other territory subject to the disposition of Congress. In accordance with this power Congress can erect a State out of such territory. Under the same power and by the same means Congress can erect a State out of the District of Columbia—the State of Columbia.

ADVANTAGES.

A constitutional amendment granting suffrage to the District of Columbia has no advantages over statehood and, in fact, has many disadvantages. Such an amendment must provide for some sort of voting representation in Congress and in the Electoral College. The least acceptable representation under this scheme would be one Senator and one Representative. As a State, the State of Columbia would have two Senators and possibly one or two Representatives. The practical difference, then, between a constitutional amendment and statehood, so far as representation in Congress is concerned, is whether the District of Columbia should be represented by one or by two Senators or Representatives. In local affairs a State government would have absolute control and could provide for the qualifications of its voters. In the case of a constitutional amendment only a limited control of suffrage and of local affairs might be granted.

It may be objected that the District of Columbia, having a total land area of about 60 square miles, is too small in size to be erected into a State. The measure of a State should be the measure of the manhood and womanhood of that State and not the mere measure of land area. Can it be said that 100 people living in an apartment house are less patriotic than the same number

living in 20 houses? Measured by population, the District of Columbia is larger than 10 States of the Union. Measured by patriotism and Americanism and self-devotion to the Union the District of Columbia stands second to none.

REASONS FOR CLAUSE.

There were two reasons for the insertion of the clause in the Constitution giving Congress exclusive legislative authority over the District of Columbia. It was feared that if the very ground on which the Capital City was located was owned by one of the States, this State might exercise a predominant influence over the affairs of the Nation. It was also thought that such an exclusive grant would protect Congress from "open violence or lawless intrusions."

These reasons were potent at the time of the adoption of the Constitution. It was a wise provision for the first hundred years of the Nation's existence that its Capital City should be free from outside influences and located on ground the exclusive jurisdiction over which was vested in the Nation. Formed and fashioned by our forefathers with such care, this fledgling among the nations was very young and needed protection from misguided friends and open enemies. The Eagle of the United States has now grown mighty and stands supreme, and its wings cover vast States, and its talons defy all enemies.

The reasons for the grant of exclusive jurisdiction to Congress which obtained in Revolutionary days have no basis of fact at the present time.

It would be absurd to argue that the State of Columbia, the smallest State in the Union, could exercise a predominant influence because of locality over the deliberations and actions of Congress.

In Revolutionary days the Federal Government was largely dependent upon the militia of the various States for its protection and for the protection of its property. No standing army of any size was maintained by the Federal Government. At the present time "open violence or lawless intrusions" on any grounds owned by the United States in the State of Columbia or elsewhere would be met by the United States Army, a military force stronger than the militia of any State. The Federal Government can protect its property wherever located. The mere fact that jurisdiction over the affairs of the District is transferred from Congress to the State of Columbia would in no way affect this power or afford less protection.

NO CONFLICT OF JURISDICTION.

There should be no conflict of jurisdiction between the Federal and State Governments in the State of Columbia. In practically all of the countries of the world the citizens of the capital cities vote and exercise the other rights of citizenship and conduct their municipal affairs. The citizens of Paris and London vote for representatives in the French Chamber of Deputies and in the English Parliament. The inhabitants of Albany, the capital of New York State, the inhabitants of Austin, the capital of the State of Texas, and the inhabitants of the capital cities of the other States vote as citizens of those States and manage their local affairs. In view of these striking examples, it can not be said that there is any reason to believe that the inhabitants of Washington, as citizens of the State of Columbia, would be less patriotic than they now are or that they could or would interfere with the orderly conduct of national affairs.

It is unseemly that the inhabitants of the city of Washington, the Capital City of the greatest democracy in the world, should have no voice in their own or their country's affairs. Mr. Bryce, in his great work on "The American Commonwealth," strikingly illustrates this anomalous situation:

"The District of Columbia is a piece of land set apart to contain the city of Washington, which is the seat of the Federal Government. It is governed by three commissioners appointed by the President, and has no local legislature nor municipal government, the only legislative authority being Congress, in which it is not represented. Being well administered, it is held up by unfriendly critics of democracy as a model of the happy results of an enlightened despotism."

The clause in the Constitution which gives Congress exclusive legislative authority over the District of Columbia gives like authority over forts, magazines, arsenals, dockyards, and other needful buildings. It would seem that the purpose of the framers of the Constitution in erecting the District of Columbia

was not to provide for some separate, independent sovereignty over which Congress could reign supreme, but to provide needful ground for buildings and other necessary appurtenances of the Federal Government. The independent sovereignty was merely incidental to the desired protection of Government property. No one at that time contemplated that the city of Washington would grow to be larger in population than 10 States of the Union. No one contemplated the total disfranchisement of over 400,000 citizens living on territory formerly embraced within the State of Maryland. The Federal Government should retain title to all of its public buildings and grounds in the city of Washington, just as it does over its post office buildings, camps, and navy yards in the States. It should have the right to secure such other land as may be necessary at any time for public purposes. But why should it retain this independent right of sovereignty over the balance of the District of Columbia? Why should the citizens of Washington, three-fourths of whom are not employed by the Federal Government, be deprived of the right of suffrage, the inestimable heritage of free men and women?

A man is employed and works in a post-office building or an arsenal or navy yard in a State and lives outside the building or grounds. Such man is entitled to vote as a citizen of the State where he lives. Why should a man or woman working in the War Department or Navy Department or Post Office Department be disfranchised if they live in Washington? Why should those citizens of Washington who have no connection with the Federal Government be disfranchised? In each State or city where there are buildings or grounds owned by the Federal Government, the jurisdiction of the United States is confined to the buildings or land actually owned by it. The same principle could very readily be applied to the District of Columbia and there would be no more conflict in the one case than in the other.

CONSENT OF MARYLAND.

It may be said that the State of Columbia can be formed only with the consent of the State of Maryland. This present consent of the State of Maryland may or may not be necessary according to the interpretation placed upon the original cession from Maryland and the exercise by Congress of exclusive jurisdiction over the District of Columbia. It is apparent, however, that it will be more satisfactory for the people of the District of Columbia, with the consent of Congress, to go before the Legislature of Maryland with their petition than it will be to go before the legislatures of all 48 States. Indeed, if necessary, and the State of Maryland is willing, Congress can return the District of Columbia to Maryland and permit the inhabitants to petition Congress under that clause in the Constitution providing for the erection of a new State out of the territory of another State.

There is another method by which representation can be secured without a Constitutional amendment. Congress can return to the State of Maryland the District of Columbia. This, of course, would not convey title to any of the land actually occupied by public buildings or reserved by the United States. This method might be more satisfactory in some respects than the present government of the District of Columbia and finds its authority in the return of Alexandria County to the State of Virginia. The interests, however, of the people of the District are not identical with those of the people of Maryland and the most satisfactory method is an independent State—the State of Columbia.

THE STAR OF COLUMBIA.

Such representation as is proposed by a Constitutional amendment is something new, something entirely foreign to our system of Government. A request for this amendment must start out with an apology—a statement that the people of the District of Columbia are not entitled to the full measure of self-government of statehood and hence should be granted some inferior or modified form of representation.

The people of the District are entitled to suffrage or they are not so entitled. If they are entitled to suffrage our Constitution provides the method—statehood—the State of Columbia. It is not wise to go outside of the Constitution if it can be avoided. The rights flowing from statehood are well known and need no explanation or apology. This makes a clear-cut, definite issue. No apology or excuse should be offered by the citizens of the District in their demand for the right of suffrage.

The method of securing statehood is by a petition to Congress from the people of the District of Columbia. It may be necessary to secure also the consent of the Legislature of the State of Maryland. It is needless to say that the most glorious political existence to-day is that of a State in our Union and statehood is worthy of the best efforts of all of our citizens.

The people of the District of Columbia should unite and place their star in the blue firmament of our Nation's flag—the State of Columbia.

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THE STATE OF COLUMBIA—CAN A STATE BE ERECTED OUT OF THE DISTRICT OF COLUMBIA WITHOUT A CONSTITUTIONAL AMENDMENT?

FRANK SPRIGG PERRY, Associate Professor of Constitutional Law.

In the great tide of statehood which has flowed westward over continental United States there has been left on the Atlantic seaboard a small area which may be called a "backwater" of American political life. From Canada to Mexico and from the Atlantic Ocean to the Pacific all are sovereign States with the single exception of the District of Columbia. The city of Washington bears the proud title of the Capital of the greatest democracy on earth. And yet how hollow is the sound of political liberty to the disfranchised inhabitants living in the very shadow of the Dome of the Capitol.

This article will discuss the power of Congress without a constitutional amendment to erect a State out of the District of Columbia—the State of Columbia.

The permanent seat of the Federal Government was authorized by Article I, section 8, clause 17, of the Constitution:

"Congress shall have power—

"17. To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

The land for this purpose was ceded by the States of Maryland and Virginia, and the District of Columbia became vested in the United States in December, 1800. The land ceded by the State of Virginia comprised the county of Alexandria and was retroceded to that State by an act of Congress of July 9, 1846. (9 Stats., 35, 1000.) The political organization of the District of Columbia embraces the city of Washington and covers at the present time the land ceded by the State of Maryland.

The people of the District of Columbia are totally disfranchised. The government is in the hands of Congress, which acts as a national as well as a local legislature. A board of commissioners appointed by the President is the executive head. The people have no Representative or Delegate in the Senate or House of Representatives, nor can they vote for the President or Vice President of the United States, nor have they a voice or vote in the selection of their board of commissioners.

The District of Columbia has a population of 437,571 by the census of 1920, a number in excess of each of the seven States of Vermont, Idaho, New Mexico, Wyoming, Arizona, Delaware, and Nevada, and it possesses all of the other qualifications of statehood. It is conceded that a constitutional amendment could give statehood or any modified form of government to the District. On the other hand, it has been questioned whether Congress can by a legislative act and without such amendment create the State of Columbia, even with the consent of the State of Maryland. An amendment to the Constitution would require a two-thirds vote of both Houses of Congress and a subsequent ratification by the legislatures of three-fourths of the States. An act of Congress creating a State government would require a majority vote of both Houses of Congress and the signature of the President.

REASON FOR EXCLUSIVE AUTHORITY.

There were several reasons which induced the framers of the Constitution to provide for the power in Congress to exercise exclusive legislation over the seat of the Federal Government. During the Revolutionary period the Federal au-

thority was feeble; and as there was no standing Army, the Continental Congress had been forced to depend for protection upon the militia of certain of the States. On June 21, 1783, some armed and mutinous soldiers appeared before Congress in Philadelphia, Pa., and insultingly demanded their overdue pay. The authorities of the State were appealed to, but they made no sufficient attempt to afford protection. Congress moved its seat to Princeton, N. J., a few days after this incident occurred. In addition to the necessity for protection, the *Federalist*, No. 43, also urged in support of this clause that the establishment of this Federal District would free Congress from any imputation of awe or undue influence on the part of the State authorities.¹

Needless to say, neither of these reasons has any force at the present time. The Federal Government has grown sufficiently strong to protect its property wherever located. There can be no imputation of awe or undue influence on the part of a State to-day, as the United States, through the concentration of Federal powers in Congress and in the executive branches of the Government, has reached a position of almost supreme authority. The transfer of jurisdiction to the State of Columbia would not prevent the Federal Government from protecting its property, nor could the State of Columbia, of such limited area, exercise a predominant influence over the affairs of the Nation by reason of its locality.

In Revolutionary days the danger was that the Federal authority would be too weak to coordinate and control the necessary functions of national life. The danger to-day is that this Federal authority has become so powerful it threatens to smother the separate existence of the several States. In Story's *Constitutional Law*, section 1220, reference is made to a criticism urged in 1803 against the exclusive control by Congress over the District of Columbia as tending to foster an oligarchy and diffuse important changes through our democratic Government. The growth of the Federal authority may be attributed in no small degree to its separate and independent existence in the District of Columbia. The creation of the State of Columbia would check further Federal growth along these lines and would add another Commonwealth to jealously guard State life.

POWER TO CREATE NEW STATES.

The admission of new States into the Union is provided by Article IV, section 3, clause 1, of the Constitution:

"1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress."

No limitations are placed upon the powers of Congress to admit new States except as provided in this clause. No other clause of the Constitution limits those powers. Nowhere is it stated that Congress can admit a new State only after it has fulfilled certain requirements. Nowhere is it stated that Congress can admit only States to be carved out of the then existing "Northwest Territory." New States can be carved out of any territory or other property over which the United States exercises jurisdiction or control. An independent nation can be admitted into the Union as a new State by an act of Congress alone, as was done in the case of Texas. (Acts of Mar. 1 and Dec. 29, 1845; 5 Stats., 797; 9 Stats., 108.)

There is no clause in the Constitution which expressly authorizes Congress to erect a State out of the land upon which the Federal city is located. There is, however, no clause which prohibits Congress from erecting the State of Columbia out of this area.

It may be considered that the grant of jurisdiction over the District is so absolute and unconditional as to empower Congress to erect out of the District any form of government, even a State government. The insertion of qualifying words in this sweeping clause would destroy the power of exclusive legislation.

It has been held by some that Congress is invested with a peculiar and high authority over the District and that this power is inalienable. This argument was unsuccessfully used before Congress in opposition to the retroces-

¹ *Fort Leavenworth R. R. v. Lowe* (114 U. S., 529).

sion of Alexandria County to the State of Virginia. If this authority is inalienable, no State can be erected out of the District without an amendment to the Constitution. If, however, Congress exercises political powers over the District similar to those which it exercises over the territory or other property of the United States, then a legislative act can create the State of Columbia.

THE CONSTRUCTION OF THE PARTIES.

The construction which the parties place upon a contract by their acts and deeds at the time that they entered into it is always considered of vital force in determining the meaning of the contract. The territory of the District was ceded to the United States by the States of Maryland and Virginia in accordance with the terms of the Constitution and contemporaneously with its adoption.

The State of Maryland under date of December 23, 1788, offered to cede territory for the seat of the Federal Government. In the act of the general assembly of that State of December 19, 1791, ratifying the cession and fixing the boundaries of the ceded area it was provided in clause 2:

“That all that part of the said territory called Columbia which lies within the limits of this State shall be, and the same is hereby, acknowledged to be forever ceded and relinquished to the Congress and Government of the United States, and full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States.”

The State of Virginia on December 3, 1789, in the act of its general assembly ceding this territory to the United States, enacted:

“That a tract of country, not exceeding 10 miles square, or any lesser quantity, to be located within the limits of this State, and in any part thereof as Congress may by law direct, shall be, and the same is, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.”

The territory so conveyed was accepted by the United States in the spirit in which it was ceded. (Act of Congress, July 16, 1790, 1 Stats., 130.) No limitations were attached to the cession, certainly so long as it remained the permanent seat of the Federal Government. These States severally yielded all the political jurisdiction they possessed over this territory to the United States and the United States accepted this unconditional grant of sovereignty without qualification. One of the political powers so yielded and accepted was the right to erect a separate State out of this area.

The Representatives of both the States of Maryland and Virginia had been most active in framing the Constitution, and these several grants show the interpretation all parties placed upon clause 17, section 8, Article I. So far as the original contemporaneous interpretation of this clause by the parties themselves affords a guide, there is no prohibition upon Congress to erect a State out of this area, particularly if the consent of the State of Maryland be secured.

COMPARISON OF CLAUSES.

Comparison has sometimes been made between the clause conferring power on Congress of exclusive legislation over the District and the clause giving Congress power to govern the territory and other property of the United States. This latter clause is Article IV, section 3, clause 2:

“The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.”

The power of Congress to erect a new State out of such territory is unquestioned. It has been argued that if these two clauses were intended to convey similar powers they would have been framed in similar terms. This argument loses sight of the conditions under which each clause was inserted in the Constitution.

At the time of the adoption of the Constitution Congress had received by cession from all but two of the original thirteen States the unsettled lands which lay beyond their territorial limits. This was termed the “Northwest Territory,” and Congress exercised the absolute right to and the exclusive legislative authority

over the Territory. Hence there was no need to insert in the Constitution a clause conferring such exclusive authority over the Territory, as Congress was at the time actually exercising this exclusive authority. In fact, the ordinance for the government of the Northwest Territory was passed by the Continental Congress in 1787, prior to the adoption of the Constitution. This celebrated ordinance is regarded, after the Declaration of Independence, as the most important act of the Continental Congress and furnished for a long period the model after which other Territories were organized under the Constitution. The clause in the Constitution dealing with the territory of the United States simply confirmed in Congress the power "to dispose of and make all needful rules and regulations" respecting this and other territory.

In the case of the territory to be occupied as the seat of the Federal Government, just as in the case of forts, magazines, arsenals, and dock yards, it was necessary for the Constitution to go further than in the case of lands actually under the exclusive authority of Congress. The seat of the Federal Government was to be formed out of land limited to 10 square miles, to be ceded in the future by the States, and which at the time was actually a part of those States and under their exclusive authority. It was necessary to provide that this exclusive authority should be taken out of the States ceding such lands and that it should become vested in the United States. A like necessity existed with reference to the land upon which should be erected forts, magazines, arsenals, and dock yards. The sweeping provisions of Article I, section 8, clause 17, were adopted for these purposes.

In each of these two clauses apt and appropriate words were used to carry into effect the intention of the framers of the Constitution. In the one case it was deemed proper to confirm in Congress the right to make needful rules and regulations over territory and other property owned by Congress. In the case of the district for the seat of the Federal Government, it was necessary to provide for exclusive legislative authority over land which would be ceded by certain States and which had, up to that time, been exclusively under State jurisdiction. In each case the effect is the same, and Congress exercises exclusive jurisdiction over all such areas.

NO DELEGATION OF AUTHORITY.

The case of *Stoutenberg v. Hennick* (1888) (129, U. S., 141) is sometimes cited as an authority which would prevent the delegation of legislative authority over the District by Congress. The erection of the State of Columbia would involve a surrender of jurisdiction and would not be a delegation of legislative authority. Moreover, an examination of the opinion shows that the court went no further than to hold that Congress could not delegate the power to regulate interstate commerce to the legislative assembly of the District (10 Fed. Stats. Ann., 2d ed., 469).

Even if this transfer of jurisdiction to the State of Columbia could be considered a delegation of authority, the United States Supreme Court in 1878, in *Welch v. Cook* (97 U. S., 542) decided that Congress could invest the District legislature with that power. This case was decided only 10 years before the case of *Stoutenberg v. Hennick* and was not overruled in this later case. The court said:

"It is not open to reasonable doubt that Congress had power to invest and did invest the District (of Columbia) government with legislative authority, or that the act of the legislative assembly of June 26, 1873, was within that authority."

JURISDICTION OVER FORTS.

The clause empowering Congress to exercise exclusive legislative authority over the seat of the Federal Government also confers a like authority over forts, magazines, arsenals, dockyards, and other needful buildings. The jurisdiction which the United States must exercise over its military and naval reservations is of necessity an exclusive one. The fact that the same clause confers a like authority in Congress over the District is strong evidence that no limitation upon this power was intended.

Where a State cedes certain land to the United States and reserves a reversionary interest in the property in case it is not used as a fort, the exclusive authority of the United States ceases when the property is leased for other purposes. The cession of such territory has been held to be of necessity temporary and to be exercised only so long as the place continues to be used for

public purposes. When it ceases to be so used the jurisdiction reverts to the State. The right reserved by a State to tax certain property in the reservation or to serve civil or criminal process has not been considered in violation of the exclusive jurisdiction of Congress.¹

These illustrations make it clear that this power of "exclusive legislation" is not of such a peculiar character nor of such high authority as to create separate and independent political areas forever under the jurisdiction of the Federal Government. Territory or other property acquired by the United States, whether by conquest, purchase, or by cession of the legislature of a State, is subject to the exclusive legislative authority of Congress. This exclusive legislative authority can be surrendered and the property returned to the State which ceded it, or a new State can be erected out of such territory. The creation of a new State is subject to this limitation, that if erected out of land within the jurisdiction of any other State, it must be with the consent of the legislature of that State.

TERRITORIAL AUTHORITY.

The power granted Congress to "exercise exclusive legislation in all cases whatsoever" over the District, does not confer any greater political authority than Congress can exercise over "the territory or other property belonging to the United States" or over places purchased with the consent of the State legislatures for the erection of forts, magazines, arsenals, and dock yards. In each case there exists under the Constitution that jurisdiction, absolute, exclusive, unqualified, which is the sovereign authority to make, decide on, and execute laws. (*Wedding v. Meyler*, 192 U. S., 573.)

There is no express provision of the Constitution which authorizes Congress to enlarge the national domain or acquire new territory by annexation, cession, conquest, or in any other manner. This power, has, however, always been considered as one of the attributes of sovereignty and as such has been continuously exercised by Congress. As an inevitable consequence of the right to acquire territory, there follows the power to govern the territory. (*Rasmussen v. U. S.* 197 U. S., 516.) The power to pass law for the Government so acquired has sometimes been asserted on the strength of Article IV, section 3, clause 2 (*supra*). On whatever ground this authority to govern rests, there can be no doubt of its existence and of the fact that under it Congress has the right of exclusive legislation over such territory and can dispose of and make all needful rules and regulations respecting it. This sovereign right of exclusive legislation is similar to that exercised by Congress over the District.

As has been said, if the title to property be absolute, the mode of its acquisition is unimportant. [Petition to Congress from committee from town of Alexandria, Va., accompanying House Report 325, 29th Congress, 1st session.] Whether it be by gift, purchase, conquest, or cession from a State, Congress possesses but a complete title to the area.

It might have been argued that because the Constitution authorized Congress to make "all needful rules and regulations" respecting the territory of the United States, Congress could never divest itself of that power. In other words, that Congress could never carve States out of such territory because by so doing it would surrender the power to make the "needful rules and regulations." It is a sufficient answer to say that the Constitution has not been so construed. The admission of 34 States in the Union from such territory is ample proof of this fact.

The fact that the Constitution expressly confers upon Congress powers of exclusive legislation over the District does not thereby carry with it the implication that all other powers are denied, if there are any such other powers. A striking example of this rule of construction of the Constitution is found in the *Legal Tender* cases (12 Wall., 457). In this case the constitutionality of an act of Congress making paper money legal tender for the payment of debts was attacked because there was no express authority for such law.

It was contended that the clause of the Constitution which conferred upon Congress power "to coin money, regulate the value thereof, and of foreign coin," contained an implication that nothing but that which is the subject of coinage, namely, precious metals, could ever be declared by law to be money or legal tender. This argument was precious and persuasive. The fallacy of

¹ Story Constitution Law, Sec. 1127; *Palmer v. Barrett* (162 U. S. 299); *Fort Leavenworth R. R. Co. v. Lowe* (114 U. S. 525); 10 Federal Statutes, Ann., 2d ed. 841-845.

the contention, as the court observed, was that the Constitution has never been construed that way. The court held that the enumeration of certain governmental powers, did not thereby exclude the existence of other governmental powers not enumerated. The court said:

"* * * It is not claimed that any express prohibition exists, but it is insisted that the spirit of the Constitution was violated by the enactment. Here those who assert the unconstitutionality of the acts mainly rest their argument. They claim that the clause which conferred upon Congress power 'to coin money; regulate the value thereof, and of foreign coin,' contains an implication that nothing but that which is the subject of coinage, nothing but the precious metals can ever be declared by law to be money, or to have the uses of money. If by this is meant that because certain powers over the currency are expressly given to Congress, all other powers relating to the same subject are impliedly forbidden, we need only remark that such is not the manner in which the Constitution has always been construed.

"* * * In most cases, if not in all, when it was intended that governmental powers, commonly acknowledged as such should cease to exist, both in the States and in the Federal Government, it was expressly denied to both, as well to the United States as to the individual States. And generally when one of such powers was expressly denied to the States only, it was for the purpose of rendering the Federal power more complete and exclusive."

In like manner, the enumeration in the Constitution of certain powers conferred on Congress with reference to the District of Columbia, does not by implication take away other governmental powers. One of the governmental powers which Congress exercises over all territory or land of the United States is the right to admit such area in the Union as a State. This power not having been expressly or by implication taken away with reference to the District of Columbia still exists in Congress.

In the case of the *First National Bank v. Yankton County* (101 U. S., 129), the court discussed the power of Congress to legislate for the Territories. It was said:

"In other words it (i. e. Congress) has full and complete legislative authority over the people of the Territories and all the departments of the territorial governments."

In discussing the relationship which Congress bears to the Territory of Alaska and to the District Columbia, the Court of Appeals of the District in *United States ex. rel. Humboldt S. S. Co. v. Interstate Commerce Commission* (37 App. D. C., 274), held:

"Congress, in the government of the Territories, has plenary power, except as limited by the Constitution. The particular form of government it shall establish is not prescribed. It has, for example, prescribed one form of government for New Mexico, another for the District of Columbia, and still another for Alaska. * * * While Congress in the government of the District of Columbia is limited by the provisions of the Constitution not applicable to other territory of the United States, the same power exists of establishing local governments."

In the case of the *Corporation of Latter Day Saints v. United States* (136 U. S., 32, 42), it was held:

"The power of Congress over the Territories of the United States is general and plenary."

While there may be some fundamental guarantees of life, liberty, and property under the Constitution which are applicable to the District of Columbia and not to the Territories nevertheless in political matters Congress exercises "plenary" power over both.¹

In the case of *Callan v. Wilson* (127 U. S., 540), the court held with reference to a trial by jury:

"We can not think that the people of this District (of Columbia) have in that regard less rights than those accorded to the people of the Territories of the United States."

The extent of the authority which Congress exercises over the District and over the Territories was clearly discussed in the case of *Binns v. United States* (194 U. S., 486). The court held that Congress exercised plenary power, and Mr. Justice Brewer, in writing the opinion of the court, said:

"* * * It must be remembered that Congress, in the government of the Territories as well as of the District Columbia, has plenary power, save as

¹ Employers Liability cases (207 U. S., 500) ; *Barnes v. D. C.* (91 U. S., 540).

controlled by the provisions of the Constitution; that the form of government it shall establish is not prescribed and may not necessarily be the same in all the Territories. We are accustomed to that generally adopted for the Territories, of a quasi State government, with executive, legislative, and judicial officers, and a legislative endowed with the power of local taxation and local expenditures; but Congress is not limited to this form. In the District of Columbia it has adopted a different mode of government, and in Alaska still another. It may legislate directly in respect to the local affairs of a Territory, or transfer the power of such legislation to a legislature elected by the citizens of the Territory. It has provided in the District of Columbia for a board of three commissioners, who are the controlling officers of the District. It may intrust to them a large volume of legislative power, or it may, by direct legislation create the whole statutory law applicable thereto. For Alaska Congress has established a government of a different form. It has provided no legislative body, but only executive and judicial officers."

In the insular-tariff cases after the Spanish War Mr. Justice Brown, in writing the opinion of the court in the case of *De Lima v. Bidwell* (182 U. S., 196), said:

"Under this power (to govern and control the Territories) Congress may deal with territory acquired by treaty; may administer its government as it does that of the District of Columbia; it may organize a local Territorial government; it may admit it as a State upon an equality with other States; it may sell its public lands to individual citizens or may donate them as homesteads to actual settlers. In short, when once acquired by treaty it belongs to the United States and is subject to the disposition of Congress."

Compare also *Downes v. Bidwell* (182 U. S., 244).

In the great case of *Cohens v. Virginia* (6 Wheat, 265) there was involved the validity of a lottery law enacted by Congress with reference to the District. Daniel Webster was one of the counsel, and argued (page 435) that the clause of the Constitution relative to the District conveyed powers so peculiar and specific that no other city in the Union could be given such a charter by Congress, and if every Federal power granted in the Constitution were destroyed this power over the District of Columbia would remain. But Chief Justice Marshall held that the power of exclusive legislation over the District was conferred on Congress as the Legislature of the Union, and that such powers could be exercised in no other way:

"In the enumeration of the powers of Congress which is made in the eighth section of the first article we find that of exercising exclusive legislation over such district as shall become the seat of government. This power, like all others which are specified, is conferred on Congress as the Legislature of the Union; for strip them of that character and they would not possess it. In no other character can it be exercised. In legislating for the district they necessarily preserve the character of the Legislature of the Union, for it is in that character alone that the Constitution confers on them this power of exclusive legislation."

These decisions of our highest court plainly show that the political power which Congress exercises over the District is plenary; that it is full and absolute, and is similar to that exercised over the territory or other property of the United States. Congress may in each case create a State out of such area.

RETROCESSION OF ALEXANDRIA COUNTY, VA.

The land secured from the State of Virginia was retroceded to that State by the act of Congress of July 9, 1846. If Congress had the right to divert itself of the power of exclusive legislation over a portion of the District by this retrocession Congress can erect the State of Columbia out of the remaining area. It was argued that this act was unconstitutional and that the exclusive jurisdiction over the seat of the Federal Government could not be surrendered. The act was passed in spite of this objection, and the retrocession has stood without successful challenge for a period of 75 years. As this is essentially a political question, it is very doubtful whether this act of retrocession can ever be considered by the courts. In the case of *Phillip v. Payne* (1875) (92 U. S., 130) an attempt to raise this question was refused.¹

In like manner the erection by Congress, with the consent of the State of Maryland, of the State of Columbia would be a purely political question, and the courts would have no jurisdiction to consider it.

¹ *Wilson v. Shaw* (204 U. S., 24); *Luther v. Borden* (7 How., 1, 42).

From a study of the wording of the Constitution and of the original grants of this territory from the States of Maryland and Virginia, from an examination of the decisions of the Supreme Court of the United States, and from the action of the political branch of the Government in retroceding a portion of this area to the State of Virginia, it must be considered that the weight of precedent and authority is in favor of the proposition that Congress has authority, with the consent of the State of Maryland and without a constitutional amendment, to erect out of the District of Columbia a sovereign State—the State of Columbia.

STATEMENT OF MRS. MARY WRIGHT JOHNSON.

Mrs. JOHNSON. Mr. Chairman, I am chairman of the civic committee of the Women's Club of the District of Columbia. I am speaking this morning for the housekeepers' alliance in behalf of that organization and by direction of the president, Mrs. F. L. Ransom. I am also speaking for the Anthony League, as chairman of the civic committee of that organization.

These organizations merely wish it to appear on the records of this committee that they favor this movement for suffrage for citizens of the District of Columbia.

FURTHER STATEMENT OF PAUL E. LESH.

Mr. LESH. Mr. Chairman, the citizens joint committee have been listened to very patiently by the committee, but we thought before we asked for more time that it was proper for us to stand aside for the moment and let others occupy a part of the affirmative time. We do wish, however, about an hour and a quarter more time as we estimated. Mr. Noyes, whose name has been mentioned several times in the proceedings this morning, wishes to be heard, and one other speaker wishes to be heard briefly before we close our case. We had not expected to have an opportunity to speak to-day, because there were so many independent persons favoring suffrage, who wished to be heard, that we thought we had better not intrude upon the committee at this session. I inferred from what Senator Ball said, as the previous meeting adjourned, that additional time would be granted if it was needed.

Senator JONES. I do not know what action the committee will take in reference to this request, and I do not know what the plans are for the future. The request will be called to the attention of the committee, however. The committee will now stand adjourned subject to the call of the chairman.

(Whereupon at 11.50 o'clock a. m. on Tuesday, December 13, 1921, the committee adjourned subject to call of chairman.)

SUFFRAGE IN THE DISTRICT OF COLUMBIA.

THURSDAY, JANUARY 12, 1922.

UNITED STATES SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C.

The committee met in the committee room, Capitol, Senator L. Heisler Ball (chairman) presiding, at 10.30 o'clock a. m.

Present: Senators Ball, Jones, and Sheppard.

Present also: Col. Winfield Jones, chairman of the National Press Committee, representing those favoring the bills pending before the committee providing for suffrage for the District of Columbia.

Present also: Mr. E. C. Brandenburg, chairman of the Brief Committee of the Citizens' Joint Committee on National Representation for the District of Columbia, representing those favoring only the Senate joint resolution proposing a constitutional amendment empowering Congress to grant national representation to the District.

The CHAIRMAN. The committee will come to order. We want to finish the hearings to-day. We will give you practically all day, if it is necessary to do it. Of course, we may be interrupted some by being required to go into the Senate to vote or answer a roll call.

We would like for you to divide your time in proportion to the people here desiring to testify. I do not think it wise to have all the morning devoted to one side and all the afternoon to the other. I think it is better if you would interlace, although it makes no difference to me. Of course, they are all printed, but it gives one side a chance to reply to the other if necessary.

Is there anybody here opposed to suffrage of any kind in the District? There appear to be none present. We will go on with those in favor.

Mr. BRANDENBURG. Mr. Chairman, those of us in favor of the constitutional amendment would like to have Mr. Lesh close his argument. He was interrupted some time ago before he had an opportunity to conclude. He will probably take 20 minutes.

The CHAIRMAN. I had promised Mr. Oyster the privilege of speaking first. He has been here at several hearings and asked to be heard, and for various reasons has been denied that privilege each time, and we promised to hear him as the first speaker to-day.

Mr. BRANDENBURG. Very good.

The CHAIRMAN. I would like to have the summing up as concise as possible to-day. It is more of a summing up than anything else, unless you have some new material to present. Then, of course, we would like to have all of it.

We will now hear from Mr. Oyster.

STATEMENT OF MR. E. W. OYSTER.

Mr. OYSTER. Mr. Chairman, my Washington address is No. 727 Quebec Place NW. My legal residence is Sunbury, Northumberland County, Pa., where I have voted at every congressional and presidential election since I became of voting age.

I have been a resident of the District of Columbia for 55 years, and have taken a prominent part in many of the movements for its welfare and betterment—the wiping out of its saloons and slums, for free textbooks for the public schools, for equitable and just taxation, for a reduction in the hours of labor and better conditions for working men, women, and children, for the establishment of an American form of government, including representation in Congress and a vote in the electoral college, and a fair share in the administration of the District's municipal affairs, etc.

Therefore, it will probably be conceded that I know at least a little something about affairs here, and how they have been administered by men appointed by Presidents to rule over the people since 1870.

Mr. Chairman, you have been told many times that there is no local government like ours in operation in the capital of any other nation, but, so far as I know, you have not been reminded that there is one nation where an effort was once made to adopt a similar form. In Canada, on January 7, 1907, a vote by the people of Ottawa, was taken on a proposition to adopt a form of government similar to the present form in this District. Notwithstanding the fact that the proposed form was supported by the Chamber of Commerce, the Board of Trade, and numerous clubs composed of "best citizens," and by all the newspapers of Ottawa, except the Evening Journal, the proposed "federal plan" was defeated by a large majority. Commissioner Macfarland of Washington accepted two invitations from the "best citizens" of Ottawa to visit that city and speak in favor of the proposed plan, and he made a number of speeches there in its favor.

On December 29, 1906, commenting editorially on the issues of the campaign, the Evening Journal said:

"While the only vital issue to the Journal's mind in the federal district question is the volunteering to barter the franchise for government pottage, an unsolicited offer to sell ourselves which we imagine ought to bring a blush to the cheek of every rightly constituted man the inheritor of freedom from his fathers. * * * No claim has been more frequently or arrogantly made here than that Washington has a civic administration beside which we in Ottawa ought to hang our heads in shame. Nothing could be more untrue or more disloyal to this city. If the Washington newspapers are to be trusted, few cities in the United States can have much less satisfactory municipal conditions than Washington. As for Canada, there seems to be less public growling in the average city in a month about the municipal administration than there is in Washington in a week. * * * Let us cite a few things from Washington newspapers. In the first place Washington appears to be full of citizens' associations which keep hollering for reforms which as a rule they either don't get or get only after deplorable delays."

The Journal then quoted several columns of complaints made in citizens' associations as printed in the Star, the Post, the Times, and the Herald, in regard to our school conditions, the police force, our slums, our inequitable and unjust assessments, etc.

On January 8, 1907, the day after the election, commenting editorially on the result, the Journal said:

"A black eye for a bad principle. To many people in Ottawa the overwhelming defeat yesterday of the federal district proposition must be a surprise. The question was put on the ballot paper in the most advantageous way to the proposition. It simply asked the people here whether they were in favor of a district to be governed by commission. There was no word of the sacrifice of the franchise; there was no indication that the proposition was not one offered to Ottawa by the Government, but was simply an attempt to get Ottawa to voluntarily offer itself for sale; there was no word of any alternative proposition which would combine the advantage of a district with the retention of the franchise. That a large majority should be recorded against so ingenious an invitation as the one placed on the ballot paper is a gratifying illustration of both the intelligence and independence of the electors. * * * It is a gratification to find that the Journal voiced justly the determined opposition of a majority of the people of this city to barter their votes and rights as freemen for a dubious gain in Government money, the price of administration of our affairs by a politically appointed board of petty tyrants.

"There is every just reason why the Dominion Government should contribute here fairly to civic revenue. Similarly there is every reason why in that case the Government should be represented in the administration of the city. 'No taxation without representation' is as good a principle for the Government as for the people of Ottawa, and the administration of this city by a commission, composed for instance of two men elected for the people, two men appointed by the Government, and an elective mayor, constituting a governing board of five, with the corollary that the Government should contribute to civic revenue an amount proportionate to the value of its property here, would, we believe, be the best and most equitable principle of administration of the Capital. But any proposition which involves the sale by Ottawa of its franchise is rotten no matter how speciously the idea may be gilded."

Mr. Chairman and gentlemen of the committee, in my letter requesting an opportunity to be heard I stated that I favored the joint resolution introduced by the Senator from Washington, Mr. Jones, the bill introduced by Senator Poindexter, and that I would also favor the bill introduced by Senator Capper, if radically amended, so as to give the people of the United States representation in the local government, and the election of fewer officials.

In view of the fact that the interests of the United States in the District of Columbia are paramount, and that they will continue to become more and more so as the years go by, I do not have the least idea that Congress will turn the municipal government of Washington over to the people who alone claim residence here, and unless the people of the United States are to take part in it by representatives of their own appointed by the President and confirmed by the Senate, there ought not, in my judgment, be any change in the local government at present. I am opposed to the election of the school board, the public utilities commission, or any other part of the local government.

The CHAIRMAN. You would have three elected by the people?

Mr. OYSTER. I would have three elected by the people and three appointed by the President. About twelve years ago I prepared a proposed plan, which was adopted by the citizens' associations in convention assembled, that the people should elect five and the President appoint five and the people elect the mayor or governor. It is immaterial what you call him.

The CHAIRMAN. That would give you the local government control.

Mr. OYSTER. That would; but since that time, in view of the fact that the interests of the Government are evidently so paramount, I have changed my views in that regard.

However, should a proper change in the local government be contemplated—and I favor that—I suggest that the people who claim residence here be given the right to elect three commissioners, who shall have been residents of the District of Columbia not less than three years, and the President be given authority to appoint three, regardless of residence, to represent the people of the United States, and that the President also be given authority to appoint a governor, who should exercise all the executive power now exercised by the board of commissioners and such other power as Congress may delegate to him, and preside over the meetings of the commission, with the right to vote when necessary to break a tie or to make a quorum. The commission should exercise all the legislative power now exercised by the board of commissioners and such other powers as Congress may delegate to it.

The CHAIRMAN. Your present plan takes the control of the government out of the hands of the residents of the District of Columbia. The President appoints three who are not residents of the District, and the District elects three who are. I want to be sure I understand you.

Mr. OYSTER. Yes, sir.

The CHAIRMAN. The President also appoints a fourth man, who is the mayor or governor and is not a resident. That gives the control to the Government entirely, places it entirely in the hands of nonresidents, while now the President is compelled to appoint commissioners from among the citizens of the District, who have at least a certain number of years' standing as such.

Mr. OYSTER. Yes, sir; but he often appoints men who are not recommended by all of the people. The people really have no say as to who shall be appointed as commissioners. I will get to that a little later, when I quote from Mr. Macfarland.

Some years ago I drew up a similar plan, which was adopted by a considerable number of citizens' associations by delegates in convention assembled. At that time a similar plan was also unanimously approved by the Central Labor Union.

Mr. Chairman, it has been iterated and reiterated many times since the beginning of these hearings that it was not intended by the framers of the Constitution of the United States that the people of the District of Columbia, the seat of Government, should ever have any part in the municipality or ever have representation in Congress. In other words, would never be permitted to vote, because that privilege is not granted by, and as Mr. Ayres claims, can not be written into the Constitution.

I will not attempt to make a constitutional argument, for the reason that I shall ask permission to quote from others much better able to interpret that great document, in my judgment, than any of the gentlemen who have spoken here during these hearings.

Suffice it to say that as early as 1802, under certain restrictions, the people were granted suffrage, which was extended from time to time for nearly three-quarters of a century, and given the opportunity to vote for a board of aldermen and for members of the common council, and that from 1812 to 1870 they were also permitted to elect the mayors of Washington, who, from 1802 to 1811, were appointed by the President.

On February 28, 1871, Henry D. Cooke, of Georgetown, became governor of the District, by appointment of President Grant, under the Territorial form of government, which had just then started on its stormy career. We have had a superabundance of talk, some of it wise, but very much of it foolish and stupid, in regard to that particular form and its "feather duster" legislature, out of which a labored effort has for many years been made to build up a very large mountain out of a very small molehill. That "feather duster" scarecrow can no longer be used to frighten intelligent

persons, for they have long since learned that the people had very little, if any, power or influence in that form of government under which the President appointed the governor, the board of public works, the board of health, and the council or upper branch of the legislative assembly, comprising 11 members. The citizens were given the privilege to elect the lower branch—the house of delegates—composed of 22 members.

The people were not ruled by the house of delegates, but by the bosses appointed by the President and confirmed by the Senate. Gov. Alexander R. Shepherd was a perfect boss. I say this in no offensive sense, for I greatly admired him in many ways. I always believed that he was personally honest, and I know that he was courageous. No doubt many things were done which ought not to have been done, and many done in the wrong and most expensive way, but the Congress that passed the law and the men appointed by the President to administer it, not the people, were responsible for all things done under the territorial form of government from 1871 to 1874.

Under the form of government created by Congress in 1874 it was evidently not the intention to forever deprive the people of the District of Columbia of their rights as freemen, as will be seen by reference to House Report No. 647, Forty-third Congress, first session, pages 28 and 29. The report, in conclusion, reads as follows:

“The testimony discloses that the District treasury is practically exhausted in all its departments.

“Your committee, therefore, recommend the abolition of the executive, the secretary of the District, the legislative assembly, the board of public works, and the office of Delegate in Congress. They do not mean, by recommending the abolition of the legislative assembly, to preclude the idea that there should not be some representative body in the District of Columbia, but they believe the one now existing, with the powers conferred, is not such a one as is contemplated by the Constitution or as the wants of the District require. * * *

“The committee recommends the appointment of a commission to manage the affairs of the District, under limited and restrained powers, because there is not sufficient time to prepare a proper system of framework for the government of the District, and have it fully discussed and passed upon at the present session of Congress. * * *

“Your committee have unanimously arrived at the conclusion that the existing form of government of the District is a failure; that it is too cumbrous and too expensive; that the powers and relations of its several departments are so ill-defined that limitations intended by Congress to apply to the whole government are construed to limit but one of its departments; that it is wanting in sufficient safeguard against maladministration and the creation of indebtedness; that the system of taxation it allows opens a door to great inequality and injustice and is wholly insufficient to secure the prompt collection of taxes; and that no remedy short of its abolition and the substitution of a simpler, more restricted, and economical government will suffice. Your committee have, therefore, reported a bill for a temporary government, until Congress shall have time to mature and adopt a permanent form.”

It was clearly not the intention of that committee to entirely overthrow every representative body in the District, but to allow “some” representative body and permit the people to elect the commissioners. This was the opinion held by Senator Sherman of Ohio, Senator Morton of Indiana, Senator Wright of Iowa, and many others.

The CHAIRMAN. What year was that report?

Mr. OYSTER. 1874.

The CHAIRMAN. The other government was only in vogue for three years?

Mr. OYSTER. Yes, sir.

Mr. THEODORE W. NOYES. Had that report reference to the so-called temporary government of 1874, or the so-called permanent form of government of 1878?

The CHAIRMAN. I understand that is a report on the failure of that local government.

Mr. OYSTER. On the territorial form of government.

The CHAIRMAN. I want to know how long the territorial form of government was in vogue before they declared it a failure.

Mr. NOYES. As Mr. Oyster knows, as well as anybody else, there was a temporary government substituted in 1874.

Mr. OYSTER. That is what this committee says.

Mr. NOYES. I had in mind the same thought which is in the mind of the chairman, to ascertain whether what is said in that report had reference to that District temporary form of government or to the form of government which was known as the so-called permanent form.

The CHAIRMAN. As I understand you, that government was in vogue from 1871 to 1874, when it was declared a failure and a temporary form of government took its

place until the government of 1878 was substituted, which was practically the government, in a measure at least, that we still have.

Mr. OYSTER. Mr. Chairman, the territorial form of government was not established as a temporary form of government. That was as much permanent at that time as any other.

The CHAIRMAN. I understand that, but the temporary government replaced that in 1874.

Mr. OYSTER. Yes.

Mr. NOYES. The report refers to the temporary government and not to the so-called permanent government of 1878.

Mr. OYSTER. The criticism of the committee does not refer to the temporary form of government. It refers to the territorial form of government, which was not adopted as a temporary form, but was abolished, as this committee recommended.

Mr. NOYES. I don't want to take up the time, but I understood that the report referred to something they recommended in place of the territorial government.

Mr. OYSTER. Yes.

Mr. NOYES. Which was temporary.

Mr. OYSTER. The territorial form.

The CHAIRMAN. You mean the government that was to replace the territorial form of government, because it had proved a complete failure and they substituted a temporary form, which was considered only temporary?

Mr. NOYES. Yes; which was referred to as only temporary in that report.

Mr. OYSTER. Yes. The committee's report from which I have quoted referred to the territorial form, which was abolished by Congress in 1874.

Mr. NOYES. I wanted to ascertain whether that comment upon the form of government that was presented as temporary referred to the 1874 government, which was treated as temporary, or to the so-called permanent government of 1878?

Mr. OYSTER. That 1874 government had not yet been established. It could not refer to anything else but the territorial form of government. I have stated that clearly.

Mr. NOYES. There is no difference of opinion as to the reference. The date itself will show which form of government was referred to.

Mr. OYSTER. Indeed, it was believed that President Grant would veto the bill, and that he approved it only when assured that a municipal government in harmony with the spirit of our institutions would be reestablished in the Nation's Capital when Congress had more time during its next session to consider the subject. It was currently rumored at that time that the bill would be vetoed by President Grant. There were strenuous efforts made by both sides to induce the President to veto it, and it was a general belief and talk about the Capitol on the Senate side that the bill would be vetoed.

The CHAIRMAN. Then there was a strong feeling that, notwithstanding that local government had been very expensive, it was not a failure?

Mr. OYSTER. No; that was not it. The objection then was that it was to overthrow by striking down suffrage the very principle upon which this Government was founded. That was the reason. They were not objecting to a change in the form of government, but were objecting to a change as it was made.

Mr. Chairman, in considering any change from our present local government, we should carefully consider what kind of a government we are now living under, and whether it is as good, as excellent, as so many thousands of persons seem to think it is, so perfect that it is sacrilege to even criticize it. Yet there are few cities in the United States where the local authorities have been more freely, and, in very many cases, justly criticized. Our schools, our street lighting, our street railroads, our assessments, garbage and ash collections, our slums, which enormously increased our death rate for many years to the extent that only two cities in the United States had a higher death rate than Washington, have all been severely criticized and have deserved, in most cases, all of the criticism and censure they have received in Congress and in the newspapers and the many citizens' associations throughout the District.

Now, what kind of a local government is it under which we have been living for nearly 50 years? Let me call on one who, for many years, aided in its administration to properly describe it.

"The present form of government," said Henry B. F. Macfarland, president of the Board of Commissioners of the District of Columbia for many years, in *Everybody's Magazine* for August, 1901, "is an absolute autocracy."

"In form the present government of the District of Columbia is an absolute autocracy, not legally responsible to the people" said Commissioner Macfarland. "Nor have the citizens of the District of Columbia the legal right to say who shall exercise

the power of a commissioner, nor how he shall do it, nor for what object. Theoretically, they have no voice in the selection of their servants or of their tasks, and no power to reward or punish them.

"Can the self-government of the District of Columbia, thus roughly outlined, be adapted to other municipalities in the United States? At first blush it would seem that such a form of government would be impracticable outside of the Federal District, with its peculiar status and conditions. But it may be worth while to consider carefully, in view of the success of the District system and the failure of municipal government elsewhere in the United States, whether government by a commission on a similar plan could not be profitably established in our large cities. It would, perhaps, not be so difficult as it seems. The main obstacle would be the average man's pride in possessing the right to vote, even though he knows it is useless and half the time is not even exercised."

Commissioner Macfarland in his address on "District Day" at the Buffalo Exposition on September 3, 1901, said:

"Twenty-three years' experience has proved that this is the ideal form of government for the District of Columbia. * * * The fact that it is an exception to all other governments in the United States is that it provides for taxation without representation and is autocratic in form, grieves some good people in the District who care more for sentiment [principle] than for substance. * * * Self-government of the most direct and effective character is the possession of the people of the District of Columbia. * * * The government of the District of Columbia is, therefore, admittedly the best in the United States, because it is a government by the best citizens."

Webster's definition of autocracy is "supreme, uncontrolled, unlimited authority; a despotism."

Aristocracy he defines as "government by the best citizens; a privileged class."

The CHAIRMAN. Do you think it is autocratic?

Mr. OYSTER. Do I? Yes; as I will demonstrate a little later on.

A democratic or republican form of government Webster defines as "a government by the people; a form of government in which the supreme power is retained and directly exercised by the people; * * * a State in which the sovereign power resides in the whole body of the people, and is exercised by representatives elected by them; a Commonwealth."

Mr. Chairman, which of these forms of government would be most becoming or desirable or beneficial or consistent in the Capital of a free people? There can be but one reply to this question from those who sincerely love republican institutions—a republican form of government; "a government of the people, by the people, and for the people," for the establishment and preservation of which tens of thousands of brave and patriotic Americans sacrificed their lives on the battle fields of the Republic, and on the sanguinary fields of France to make this country and the world safe for democracy.

The CHAIRMAN. The whole principle of this Government, upon which it is founded, is that it is a republican form of government, and not a democratic form of government. It is a representative government, and not a government by the masses of the people.

Mr. OYSTER. Yes, I understand the distinction between the two, and Webster says "a democratic or republican form of government."

The CHAIRMAN. Whether Webster defines it that way or not, it is not so taken. There is certainly that distinction between a republican form of government, which is a representative form of government, and a democratic form, one in which all the people meet to transact all of the business, which is impracticable in any large city or large country.

Mr. OYSTER. I recognize that distinction.

The CHAIRMAN. They used to have it in Greece and Rome at one time, but our Government is administered purely by those people elected to represent the masses.

Mr. OYSTER. Yes, sir.

The CHAIRMAN. The President represents them. The legislatures of the States and the National Legislature are elected to represent and transact the business for the people, instead of the masses meeting to pass their laws. Now, the District is conducted to-day by that representative form of government. I am not arguing for or against the election, but you must make the distinction between a democratic government and a republican government.

Mr. OYSTER. I certainly do, Mr. Chairman. I fully understand the distinction, and I know it is almost impossible, certainly impracticable, to have a pure democracy where the people in convention assembled pass their laws, and so whenever I have advocated a change in the form of government I have advocated a change to a repub-

lican form of government, because this country is a republic, and is the greatest and best Nation on the face of the earth to-day.

Therefore, it would seem that in the Capital of the greatest Republic on this earth we should not only have a republican form of government but a model form of such government, and thus set a good example to all other cities of the world.

Abraham Lincoln said from the steps of the White House in November, 1864, "We can not have free government without elections." He was then and is now absolutely right. They had elections in Washington at that time.

In 1907 President Roosevelt called to Washington a Mr. Reynolds, for the purpose of making an investigation of the District government, as his agent, and report to him direct what changes, if any, should be made in it. After an investigation covering several months, among the changes he recommended was that one man be placed at its head, and that he alone should be held responsible for its success or failure.

In regard to Mr. Reynolds's recommendations, the Washington Herald asked this question:

"Is anything really the matter with the District's form of government, which the President's agent, Mr. Reynolds, is seeking to change?" and requested its readers to answer the question. I accepted the invitation, and under date of August 3, 1907, in the Trade Unionist, of this city, in a lengthy article, I answered the Herald's question. The following is taken from the said article:

"Yes. In the judgment of a majority of the disfranchised, there are many things really the matter with the District's 'autocratic' form of government, but the strongest objection to it can be condensed to three words—unrepublican, undemocratic, un-American.

"When republican government was overthrown here in 1870 the great mass of the people were not consulted—were not given the opportunity to express their opinion through the ballot box."

After giving many reasons which, in my judgment, warranted a change, I concluded as follows:

"Why is it that the defenders of our un-American form of government are continually straining their eyes to discover the motes in the eyes of other municipalities, but, with all their keenness for the faults of others, fail to detect the beams, some of them as big as sawlogs, in their own municipal eyes? 'Why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?'

"Yes, there is really something radically and fundamentally wrong with the District's form of government, but when a change is made it should not be from one 'autocracy not legally responsible to the people' to another of the same kind. The change should be made rather in the direction of the form of municipal government recently adopted by the city of Des Moines, Iowa, which provides for the election of a mayor and four councilmen, with the initiative, referendum, and recall in the hands of the people. Of course, the people of the United States, as owners of one-half of the property in the District of Columbia, must be represented in any government established here, and it is suggested that five commissioners appointed by the President and responsible to him, and five commissioners elected by the people of the District and directly responsible to them, would be a proper body to govern the District, under a charter to be granted by Congress."

After further consideration, since the above article was written, I have come to the conclusion that a smaller body would answer every need and render better service.

Under the heading of "Commissioner Macfarland answered," I ask to insert without reading some quotations from Lincoln, Jefferson, Madison, John Randolph, Seward, and Choate.

On the constitutional question, which I said I would not pretend to argue, I quote from Madison, Story, Chief Justice Woodward, of Pennsylvania; Samuel J. Randall, Senator Morton of Indiana, Senator Logan of Illinois, Senator Edmonds of Vermont, and Senator Wright of Iowa, who discuss the constitutional questions relative to the District.

Under the head of "Opposed to destruction of suffrage," I submit quotations from Senator Sherman of Ohio, Senator Morton of Indiana, and Senator Spencer, who was a member of the joint select committee to frame a permanent form of government for the District of Columbia.

I ask that these quotations be incorporated in the record.

The CHAIRMAN. They may be so incorporated.

(The data referred to by the witness is here printed in full, as follows:)

COMMISSIONER MACFARLAND ANSWERED.

Allow all the governed an equal voice in the government; that, and that only, is self-government. * * * Finally, I insist that if there is anything that it is the

duty of the whole people to never intrust to hands other than their own, that thing is the preservation and perpetuity of their own liberties and institutions. (Abraham Lincoln, *Howell's Life*, p. 284.)

It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom, and that the government of the people, by the people, and for the people shall not perish from the earth. (President Lincoln's memorial address at Gettysburg, Nov. 19, 1863.)

We can not have free Government without elections. (President Lincoln's response to a serenade at the White House, Nov. 10, 1864.)

President Jefferson, in his first inaugural address, urged his countrymen to exercise "a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided."

The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature. A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms. (Madison, *Elliott's Debates*.)

A ruler independent of the people over whom he presides is abhorrent to the principles of free government. (Joseph Warren, Josiah Quincy, and others.)

Who are a free people? Not those who do not suffer actual oppression, but those who have a constitutional check upon the power to oppress. (James Lovell, Apr. 2, 1772, *Principles and Acts of the Revolution*.)

Political slavery, which has been well defined to be that state in which any community is divested of the power of self-government and regulated by laws to which its assent is not required and may not be given. (John Randolph, of Virginia, in House of Representatives, Feb. 9, 1803.)

In accordance with the opinion adopted as early as any political opinions I ever had, and cherished as long, I maintain that the right of suffrage is not a mere conventional right, but an inherent natural right, of which no government can rightly deprive any adult man who is subject to its authority and obligated to its support. (William H. Seward.)

On November 16, 1901, Joseph Choate, ambassador to England, was the guest of the Lotus Club, in New York City, at a reception and dinner given in his honor. On that occasion, among other things, he said:

"After all that I have seen of other countries, it seems to me absolutely clear that the cardinal principles upon which American institutions rest—the absolute political equality of all citizens, with universal suffrage—is the secret of American success. Aided by that comprehensive system of education which enables every citizen to pursue his calling and exercise the franchise, it puts that country on that plane of success which it has reached. It passes my comprehension how any American can go abroad and not return a warmer lover of the institutions of his native land."

THE CONSTITUTIONAL QUESTION.

Madison's opinion of the meaning of the "exclusive legislation" clause of the Constitution is found in the *Federalist*, No. 43:

'And as it is to be appropriated to this use with the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the Government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; and as the authority of the legislature of the State and the inhabitants of the ceded part of it to concur in the cession will be derived from the whole people of the State in their adoption of the Constitution, every imaginable objection seems to be obviated.'

Of the local governments established by Congress in the District of Columbia prior to 1871, Mr. Justice Story, in his *Commentaries on the Constitution*, section 1223, says:

"In point of fact, the corporations of the three cities (Washington, Georgetown, and Alexandria) within its limits possess and exercise a delegated power of legislation under their charters, granted by Congress, to the full extent of their municipal wants, without any constitutional scruple or surmise or doubt."

Chief Justice Woodward, of Pennsylvania:

“Exclusive legislation—exclusive of what? Exclusive of the legislation of the States. That is the plain meaning of that portion of the Constitution.” (Cong. Globe, 41st Cong., pt. 1, p. 644.)

Hon. Samuel J. Randall, of Pennsylvania:

“I am inclined to believe, judging from the rules of common sense, that this is correct, especially in view of the citation from Judge Story, which clearly establishes the right of Congress to delegate the legislative power in reference to this District. * * * Nothing can be feared, in my judgment, from delegating this power to the people.” (Cong. Globe, 41st Cong., p. 645.)

Senator Morton, of Indiana:

“The word ‘exclusive’ there means that it shall be entirely taken from the States which cede it; that the States ceding it shall lose all control over it; that it shall be exclusively in Congress, so far as the States ceding it are concerned; but it never meant that all legislative power or all government should be directly exercised by Congress.” (Cong. Record, 43d Cong., vol. 3, pt. 1, p. 121.)

Senator Edmunds, of Vermont:

“That is what I think.”

Senator Logan, of Illinois:

“I maintain that the same principle applies as to the question of the rights of citizens in the regulation of their municipal affairs in the city of Washington that applies to all other cities. * * * The rights of the citizens here are the same as the rights of citizens everywhere else in cities.” (Cong. Record, vol. 3, pt. 1, p. 123.)

On February 11, 1875, the Senate having under consideration a bill (S. 963) for the better government of the District of Columbia, Senator Wright, of Iowa, said:

“Mr. President, the amendment pending is that of the Senator from Indiana, which asserts the principle that it is both constitutional and expedient to give the people of this District the election of their local officers. Much that I shall say will be in support of this proposition, more especially of the power to thus legislate. * * *

“Some things have been said in this discussion, and on other topics bearing thereon during the present session, which have a significance and importance beyond any possible vote upon these propositions, to which I propose to allude, with the indulgence of the Senate, before I take my seat.

“In a very elaborate speech, prepared evidently with great care, my esteemed friend, the Senator from North Carolina (Mr. Merrimon), when this subject heretofore engaged the attention of the Senate, maintained, as will be remembered, that to authorize the people of this District to elect any of their officers would be outside of and beyond the power of Congress under the Constitution. * * *

“He further proceeds to argue that Congress may create an office, that of mayor, or regent, or commissioner, any office it may see fit for the District, but can not elect that officer nor empower the people to elect him.

“Stripping these propositions of all verbiage and reducing them to their logical elements, they mean that the people of this District can not be given the ballot, for no power can confer it but Congress. Congress, as the Senator says, can not; therefore, it can not be given in any form or for any purpose.

“Mr. President, if these propositions and this argument to the extent stated be sound, then I confess that I have read the Constitution to but little purpose, and the fathers of the Republic and the wisest and best men of the succeeding years have been woefully ignorant of its provisions, unmindful of their sacred obligations, and have been stumbling along in thick darkness without a light to their feet or a glimpse of that radiance now shed upon the Constitution by my distinguished and esteemed friend from North Carolina. * * *

“Referring now to the Senator from North Carolina and entertaining, as I do, the most profound respect for his opinions and judgment, and especially upon legal and constitutional questions, I beg to refer him for a moment, before reaching an examination of the Constitution itself, to what has been enacted in a few [numerous] instances under its provisions; and it is remarkably strange, I may be allowed to say in advance, with this history and these instances before us, dating from the very existence of the Government—acts by Congress after Congress, approved by Executives of every conceivable political opinion almost—I say it is most remarkable that just now we are to be told that the people can not elect their municipal officers in this District, but that it rests with the President alone to appoint.” * * *

Senator Wright, after referring to the acts of 1802, 1804, and 1805, establishing and extending self-government in the District of Columbia, said:

“I only remark, in passing, to my friends from North Carolina and Nevada, who insist upon their strict construction of the Constitution, that all of these acts were

approved by Mr. Jefferson, who, they will pardon me for suggesting, is presumed to have known something of the meaning of that instrument and the powers of Congress under it."

Senator Wright also referred to acts of 1820, 1843, 1848, 1855, 1862, 1864, 1866, 1867, and 1869, extending the right of suffrage in the District, and said:

"And now, Mr. President, if anything can be established by the uniform current of legislative action, then these acts—and others on all fours with these might be cited—show conclusively that the Senator must be mistaken in his construction of the Constitution, and that its provisions are not violated when we give to the people of this District the power to select their own officers. It has been done, as I have said, under almost every President, by almost every Congress, by those of almost every shade of political opinion."

"The United States shall guarantee to every State in this union a republican form of government." (Constitution.)

Mr. Chairman, can this wise provision be interpreted to mean that the United States is to guarantee to every State a republican form of government, but that Congress is empowered to strike down and annihilate every vestige of such government in the Capital of the Republic—the political heart of the Nation?

No. Such an inconsistent interpretation can not be maintained. The fact that self-government was established in the District of Columbia as soon as possible after it became the "seat of government," and that such government was maintained and extended from time to time for 70 years, is proof positive that the framers of the Constitution did not intend that the people in the Capital of the Nation should be despoiled of their inalienable right to take part in their government.

OPPOSED TO DESTRUCTION OF SUFFRAGE.

On February 10, 1875, the Senate having under consideration a bill for the better government of the District of Columbia, Senator Sherman, of Ohio, said:

"Although I do not believe it is wise in our system of Government to confer all the powers in a municipal government upon persons appointed by executive authority, yet I prefer to vote for this bill rather than defeat all measures on the subject. At the next session of Congress I have no doubt whatever, if Congress has the time, * * * it will take away from the President of the United States the power of appointing these commissioners and trust their election to the people who are to be affected by their authority."

Senator Morton, of Indiana, said:

"Mr. President, as I offered this amendment providing for suffrage in the District, before the vote is taken I desire to call the attention of the Senate to its importance and to the great principle that is involved. In a bill which passed Congress at the close of the last session suffrage in this District was stricken down, and the government committed to three commissioners to be appointed by the President and confirmed by the Senate. That bill passed hastily, without much consideration, and under what seemed to be an apparent necessity at the time; but it was understood to be temporary; that it was simply to bridge over the interregnum until this session of Congress, when another form of government would be considered and devised. If it had been understood then that suffrage in the District was to be permanently destroyed, I do not believe the bill could have been passed with all the pressure and the apparent necessity for its passage. That bill has been made a stepping-stone, and we now have the proposition permanently, for a long series of years, to destroy the right of suffrage both of white and black people. I am opposed to this upon principle; I am opposed to it upon the ground of expediency; I believe it is wrong in every way; and, if it should become a law, it is a precedent that will come back to plague us. * * *

"As I said before, this is against the very spirit of our institutions. It is contrary to the theory upon which our Government is based. * * *

"There is no safety in that form of Government. The principle of it is wrong. There is no occasion for its application. I reject it utterly except where it may be an absolute necessity, and I know of no such necessity here. * * *

"Therefore I beg those who do not wish to concur in the effect and the policy of this example to consider well before they vote for this bill."

NO RIGHTS WHATEVER EXCEPT TO BE TAXED.

On January 11, 1877, Senator Spencer, from the Joint Select Committee to Frame a Permanent Form of Government for the District of Columbia, submitted a minority report (S. No. 572), from which the following extracts are taken:

“The bill reported from the majority of the committee proposes that the District of Columbia and the property and persons that may be therein shall be subject to the government of three persons, styled ‘commissioners.’ * * *

“The people retire from legal consideration, but not from legal responsibility. The commissioners constitute the municipality, less its obligations. The people are no part of the municipality; they only bear its burdens and continue accountable for its liabilities. The people retain under this bill no rights whatever, except the right to be taxed.

“This plan of government is repugnant to American principles of administration. It substitutes executive for republican forms. It is a retrogression to monarchic theories. It is a return to the system of plenary powers which the advanced nations of mankind have forever rejected. It is dangerous to public and private rights; it is inimical to the local institutions of the country. * * *

“The people of the District of Columbia, equally with other citizens of the United States, must be held to possess certain inalienable rights, which have never been delegated, and never can be delegated, either by themselves or by anybody else for them, neither to Congress nor to any authority or power whatever. What is inalienable can not be alienated. Among these rights is that of a common participation in common affairs. It is the right of local self-government.

“It is further, a part of the American common law that ‘overnments derive their just powers from the consent of the governed.’ The people of the District have never consented that the right to manage their local affairs should be taken from them. The people of the several States could not give that consent. It was not theirs to give. The consent has not been given. * * *

“That Congress is authorized to erect over the District of Columbia a system of government and a line of abuses which the American colonies rose in arms to overthrow is not, in the opinion of the minority, a tenable proposition. * * *

“It is the opinion of the minority that the highest duty of Congress is to preserve to the people of this country their free institutions in entirety and in perpetuity, and that in this regard the people of the United States can not afford to have an un-republican system of government established in the District of Columbia. * * *

“The danger to republican institutions arises from power over the people, not from power in the people. The whole people are honest; they have no interest in defrauding themselves. The whole people are solvent; they have no motive in their own bankruptcy. It is individual greed only which seeks to defraud the public. Individuals only would bankrupt the community to aggrandize themselves. Power in the hands of the people is always safe so long as they themselves do not relinquish it or permit themselves to be despoiled of it. Power over the people is always dangerous, however achieved or however derived.

“It is the conclusion of the minority that the people of the District of Columbia have a clear, incontrovertible right to a local government derived from their own free suffrages; that no inhibition against the exercise of such right is contained in the Constitution of the United States, neither in the intendment nor in the letter of that instrument; but, on the contrary, that Congress is itself inhibited by its constitutional restrictions and public obligations from denying or abridging that right, or from providing for the District any form of local government other than a government republican in form and in harmony with the customary municipal institutions of the country.”

On March 28, 1878, the House having under consideration a bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, Hon. Jacob D. Cox, of Ohio, said:

“I insist on it, we shall be held before the country to have declared the utter failure of republican institutions as applied to municipal organizations if we pass at this time such a bill as this. * * *

“What ought to be the municipal government of a city of some 200,000 inhabitants, made up of the mixed population we have here?” Such a government the citizens of Washington have a right to. The fact that Congress may, if it will, play the petty part of a city council does not make it either necessary or right to do so. The fact that it may, if it will, disfranchise the people is no justification for doing so. They have an inalienable right to the freest, the most popular form of municipal organization which is compatible with the safety of life and property, with the preservation of good order, and the security of the national property which is here. For us to give them less will be to be false to the most fundamental principles of American liberty.”

Taxation and representation ought to go together. (Chief Justice Ellsworth.)

REPRESENTATION IN CONGRESS AND THE ELECTORAL COLLEGE.

In 1890 representation in Congress and the Electoral College was advocated by committees of one hundred. "Your memorialists," said these committees, "believe that a great majority of the citizens of the District are dissatisfied with the present local government."

On September 17, 1890, the Senate having under consideration joint resolutions proposing an amendment to the Constitution to give representation to the District of Columbia in the two Houses of Congress and the Electoral College, Senator Blair, of New Hampshire, said:

"* * * It would be difficult to imagine a more striking evidence of the real political inconsequence of the manhood of the District of Columbia than is furnished by the treatment which this measure has received, supported as it is by the committee of one hundred and the great mass of the people of the District. * * *

"It would be supposed that the Government of the United States would be administered in the republican form; that the capital of the foremost republic on the face of the earth, that one spot exclusively under its control, would itself be a model republic, without the trace of despotism or of aristocracy; that in such locality as might contain the seat and creative arena of government activity the people themselves would be free; that such a community would illustrate in the highest possible form the practical workings and the superior blessings of a democratic and representative form of government; that in such a specific locality, if nowhere else, government of the people would be by the people and for the people; that it would be founded upon the consent of the governed; that life, liberty, and property would be protected and secured by laws founded upon the principles of that Constitution which applies to the country generally; that there would be no taxation without representation; that the executive power would be derived, if not immediately, at least remotely, from those upon whom the law is executed, and that an enthusiastic admirer of free institutions from lands ridden by tyranny might come to the capital of free America to behold the great object lesson of liberty in its practical operation among the masses of the people. * * *

"Our fathers who declared their independence, who achieved it by arms, who established the Government upon the principles which they had vindicated in battle and consecrated in blood, never dreamed that by the establishment of the Federal District, in order that the National Government might have a secure, unfettered field for its operations, they were laying the foundation of a vast community of political slaves. They understood that the people of the District of Columbia would possess all the rights and liberties which belonged to other American citizens, and that residence here would be a political blessing, not a political curse.

"In advocating the adoption of the Constitution, Madison and Hamilton asserted that the people of the District would, as a matter of course, be entitled to the functions and advantages of local self-government; and, as a matter of fact, until the year 1871, the District of Columbia possessed a republican form of government in all local affairs. It was the home, to that extent, of a free people. * * *

"It seems to me incomprehensible that after nearly a century of actual local self-government, such as it was, that the American Congress as late as the year 1878 should have proceeded to subvert whatsoever there was of republicanism and democracy actually existing in a community which then had attained to the number of at least 160,000 souls—more than that of many of the States at the time of their admission into the Union—and to remand the whole community for its present, and apparently for its future, to a condition of political vassalage.

"I venture to say that no act of more stupendous and dangerous inconsistency has ever been perpetrated by the legislative power of any free people in violation of the principle of their own form of government since the foundation of the world; that, considering the political enlightenment of the age in which this was done, no such example of incomprehensible and fatal violation of the first truth of governmental theory laid down by Montesquieu as of universal application has ever been known. * * *

"If this state of things has been protracted, lo, now these 12 years, against the unheard and, to a great extent, the suppressed remonstrances of the masses of the people of this city, and if daily the control of this community is becoming more and more absolute in the possession of leaders of factions and combinations and rings and syndicates which derive their strength from unholy or indifferent relations to and with the representatives of national power who are intrusted with the government of the District, or if there is danger that this may now be or may become so, then it is high time, indeed, at once to call a halt, to seek the hospital and attack this cancerous growth at once with medicines, or, they failing, with the knife. * * *

“This is no trifling matter, and I verily believe that it constitutes a drop of poison in the heart of the Republic, which, if left without its antidote, will spread virus through that circulation which is the life of our liberties.

“As suggested in beginning, I am sorry, although not surprised, that the committee to whom this proposed resolution of amendment to the Constitution was submitted in the last Congress and in the present, and before whom large number of the people of the District desired to be heard, exhausted the subject so easily and reported back the resolution with such celerity, without hearing or notice to anybody after its introduction and reference to them by the Senate. It is safe to say that a community of voters would not have been thus summarily disposed of.

“In future Congresses, I doubt not,” said Senator Blair, in conclusion, “the subject will be heard in committee and in both the Houses, and its agitation will not cease, but will increase both in Congress and in the country, as well as in the District itself, until the hundreds of thousands who may yet become millions in this already magnificent and yet to be stupendous and glorious city shall be endowed with all the rights and liberties of Americans.”

MR. OYSTER. Senator Blair was a farseeing statesman as well as a true patriot, for in every succeeding Congress the voice of the people demanding their rights and their liberties has been growing louder and louder, and will no doubt continue to increase in volume until their just demands are complied with. Mr. Chairman, the select committee to inquire into affairs of the District of Columbia, in its reports on June 16, 1874, recommending the abolition of the territorial form of government, said:

“Your committee have unanimously arrived at the conclusion that the existing form of government is a failure, * * * that the system of taxation it allows opens a door to great inequality and injustice, and is wholly insufficient to secure the prompt collection of taxes,” which was no doubt absolutely true.

But if complaints and criticisms in regard to the inequality and injustice in assessments of real estate and personal property by residents and by Congress had any foundation, and I personally know that thousands of them were absolutely justified, there can have been little, if any, improvement made in this regard since the present form of government for the District of Columbia was established, at least until recent years.

I want to say that at the present time the District of Columbia has the best assessor it has ever had, the only really expert man who has ever occupied that position, who understands his business and is honestly endeavoring to assess the property of the District according to law. The criticism has been made that we do not have any inheritance tax or income tax in the District. With that the assessor and the District Commissioners have nothing to do. Congress is the lawmaking body. If they want an inheritance tax or income tax, it is up to Congress. Congress has no right to criticize the District for not having those laws, for that body alone has authority to enact such a law.

I discovered by personal inspection of a large amount of property—land and improvements—in the District, and also by inspection of official assessment records, covering a period of many years, that very much of it was inequitably assessed and taxed; that nearly all of the mansions of the rich were assessed much lower in proportion to value than the humble homes of the poor; that land was assessed very much lower in proportion to the value than improvements, and that vacant land held out of use for speculation was assessed very much lower in proportion to value than improved land.

In the same manner I discovered that all of the breweries in the District were outrageously underassessed; that most of our large hotels, and many of our large apartment houses and business houses and the ground on which they stand were greatly underassessed.

It gives me great pleasure to inform the committee that, as a member of the board of assistant assessors from August, 1913, to October, 1918, I aided in the correction of many, if not all, of the most glaring inequalities which I had discovered and publicly pointed out prior to the time I became a member of the board. It also gives me pleasure to say it, because it is true, that the board of assistant assessors had the very valuable assistance of Mr. William P. Richards, the best and most efficient assessor the District of Columbia has ever had, in bringing about the good results accomplished during the above period and that he is now honestly, without fear or favor, endeavoring to carry out the law of Congress in regard to taxation of all kinds of property in the District.

The incompetent and unlawful assessment of property for nearly 40 years under the present form of government deprived the District of many millions of dollars justly due as taxes. It may not have been considered dishonest, it may not have been

considered "graft," as that odious word seems to be interpreted these days, but the effect on the District, so far as I can see, by wrongfully holding that large sum out of its treasury, is about the same as if it had been wrongfully extracted after it had been paid in. In one case about \$75,000, which had been paid in as special improvement taxes, was stolen by a clerk, who had been permitted to deposit District funds in bank in his own name. The loss to the District would not have been any greater had it been lawfully withheld from its treasury by underassessments. "A rather peculiar manner of conducting business in 'the best-governed city in the United States,' " I have heard many people remark.

Mr. BRANDENBURG. May I interrupt just a moment? There are one or two other gentlemen here who want to be heard. This is a matter which is not relevant or germane to the question before the committee. The gentleman has already spoken 55 minutes, and it seems to us this might be omitted, if agreeable to the chairman, so these other gentlemen might be heard. I understand you want to conclude these hearings to-day.

The CHAIRMAN. We are going to give you all day.

Mr. BRANDENBURG. I see he has a good many papers to present yet.

Mr. OYSTER. They all bear on this question.

The CHAIRMAN. How much longer will it take?

Mr. OYSTER. I think it will take but a short time for me to conclude.

The CHAIRMAN. Proceed and complete your argument as soon as possible.

Mr. OYSTER. On January 11, 1902, Senator McMillan, then chairman of the District Committee, in a statement printed in the Washington Post said:

"Wealthy residents will not be driven from Washington by a tax on personal property. When their property is taxed in other cities, it will not be the purpose, as far as I have anything to do with a tax law, to tax them again on the same property here in Washington. Such people will continue to come to Washington and reside here. It is only fair that they should pay their just share of taxes, as other citizens are supposed to do."

This was Senator McMillan's statement yesterday about some criticisms of his effort to secure a fairer system of taxation in the District of Columbia, said the Post.

"There has been some misunderstanding of my attitude," declared the Senator. "I am not seeking to oppress the people of the District. We all know the strong sentiment that has been developed in Congress from time to time for equitable taxes of personal property here, such as prevail elsewhere in the country. I am seeking to investigate this subject that we may take fair and timely action lest eventually Congress, once aroused over the question, imposes upon the District tax legislation really severe in its character. I am rather striving to protect the people here by securing equitable taxation sufficient to raise money for the local government.

"It is very plain that there ought to be a common basis of valuation for taxing purposes for all realty here. That is not the case now. I believe that property in the eastern section of the city is taxed up to its full valuation. The same is true to a considerable extent of the residence property in the western part of the city. But in the business section property is undervalued and pays taxes in far smaller amounts than ought to be the case. Different arguments have been used to justify this. Often it is said that the owner is using the property in his business. Nevertheless, there is no reason why this property should not, like the rest of the property in Washington, be assessed for its reasonable valuation. There is no difficulty in ascertaining this. There are transactions almost daily that fix a basis of the value of property in all parts of the city. Then city property should not be assessed as agricultural property."

Mr. OYSTER. I will state that at one time the land outside of the city proper was assessed as agricultural property, large masses of it being held for purely speculative purposes by land grabbers.

Mr. NOYES. Might ask the date of that last matter?

Mr. OYSTER. January 11, 1902.

Mr. NOYES. What you said does not refer to assessments at the present time?

Mr. OYSTER. No. I stated that.

"Senator McMillan," said the Post, "was asked about the provisions of the bill drawn by Assessor Darneille and what program he proposed to follow, but he answered that he had not gone into that measure very thoroughly yet, proposing to give it further study."

"The Senate District Committee, of which Mr. McMillan is chairman," said the Post, "has in its files numerous instances of the manner in which local property is assessed. There is a land company owning about 540 acres adjoining the city, the total assessment of which is \$112,000, averaging about \$200 per acre. Last November 7.46 acres of this property, which is assessed for \$1,492, was sold for \$25,000."

Mr. OYSTER. This is only one example out of hundreds of such flagrant under-assessments which continued many years after the date of Senator McMillan's criticism.

These flagrant violations of law in the assessment of property in the District of Columbia covering a period of so many years reminds me that some years ago I read an address delivered by ex-President Harrison on the 22d of February, 1898, before the Union League Club in Chicago, Ill., in which, among other things he said:

"The great bulk of our people are lovers of justice. They do not believe that poverty is a virtue or property a crime. They believe in an equality of opportunity and not of dollars.

"The men who have wealth must not hide it from the tax gatherers and flaunt it on the street. Such things breed a great discontent. All other men are hurt. They bear a disproportionate burden. A strong soldier will carry the knapsack of a crippled comrade, but he will not permit a robust shirk to add so much as his tin cup to the burden.

"The special purpose of my address to-day is to press home this thought upon the prosperous, well-to-do people of our communities and especially of our great cities, that one of the conditions of the security of wealth is a proportionate and full contribution to the expenses of the State and local governments. It is not only wrong but it is unsafe to make a show in our homes and on the street that is not made in the tax returns.

"It is a part of our individual covenant as citizens with the State that we will, honestly and fully, in the rate of proportion fixed from time to time by law, contribute our just share to all public expenses. A full and conscientious discharge of that duty by the citizen is one of the tests of good citizenship. To evade that duty is a moral delinquency, an unpatriotic act * * *. I want to emphasize, if I can, the thought that the preservation of this principle of a proportionate contribution, according to the true value of what each man has, to the public expenditures, is essential to the maintenance of our free institutions and of peace and good order in our communities.

"Mr. Lincoln's startling declaration that this country could not continue to exist half slave and half free may be paraphrased to-day by saying that this country can not continue to exist half taxed and half free.

"We have too much treated the matter of a man's tax return as a personal matter.

"We have put his transactions with the State on much the same level with his transactions with his banker, but that is not the true basis. Each citizen has a personal interest, a pecuniary interest, in the tax return of his neighbor. We are members of a great partnership, and it is the right of each to know what every other member is contributing to the partnership and what he is taking from it."

[Congressional Record, Vol. 4, pt. 3, p. 2716, Apr. 24, 1876.]

The House of Representatives having under consideration a bill (H. R. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia—

Mr. NEAL, of Ohio. Mr. Speaker, in offering this bill as a substitute for the one presented by the majority of the committee, I am actuated by no spirit of hostility to them, but by a simple desire to distribute more equally than they propose the burden of taxation in this District. * * *

Equality in the imposition of taxes is one of the cardinal principles of every just system of taxation. * * *

If the bill of the committee had been drawn in the special interest of the capitalists of this District it could not have been made to answer their purposes more completely than it now does. It seems to be based upon and is clearly an attempt to enforce and carry out by law the idea so prevalent here, that this Capital must be made the grandest and most beautiful city upon the continent, and that in furtherance of this project men of wealth from all parts of the country must be induced to come and take up their residence here by exempting their moneys, credits, and personal property of almost every kind from taxation. I desire to enter my emphatic protest against any such legislation. * * * I will resist to the utmost of my feeble powers all efforts to ingraft upon our statute books any law which, under any pretext whatever, strikes from the tax lists property in the hands of those who receive the greatest benefit from the protection of the Government. * * *

An objection put forward by the gentleman from Missouri to my substitute is that the people of the District are opposed to the taxation of personal property. I ask that gentleman who are the people of this District?

Mr. BUCKNER. The taxpayers.

Mr. NEAL. The taxpayers?

Mr. BUCKNER. On real estate.

Mr. NEAL. If a few wealthy gentlemen who claim to carry in their breeches pockets the entire city of Washington and District of Columbia are the only taxpayers, then

I will assent to the proposition of the gentleman that the people are opposed to this system of taxation, but otherwise I will not. * * *

This substitute of mine proposes that all moneys, credits, personal property of every kind, tangible and intangible, belonging to those who are residents of this District shall be taxed; that all, rich and poor, shall be required to contribute according to the value of their property for the support of the District government; while the bill of the committee declares that property of this kind, with the exceptions I have named, shall be entirely exempt. * * *

Mr. Speaker, I will only say in conclusion that if there is any discrimination to be made in this matter of taxation it ought to be made in favor of the poorer class of citizens, not in favor of those who are rolling in wealth and luxury and are best able and are most bound by every rule of common honesty and justice to contribute of their wealth to the support of the government which protects them.

[Congressional Record, vol. 4, pt. 5, p. 4122, June 24, 1876.]

The Senate having under consideration a bill (H. R. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia and for other purposes—

Mr. HAMLIN of Maine. Mr. President, I am very glad that there was at least one member of the committee from which this bill came to us who did not agree to it. I have had a little experience in legislation here, and of all things that ever came into this body asking for a favorable consideration I think this exceeds anything I ever saw. I have no command of language to characterize the thing as I think it deserves. * * *

Now, sir, a bill which does not impose a tax upon the personal property of the citizens of this District I hold to be unjust and outrageous.

Mr. SPENCER. The commissioners inform me that it is utterly impossible to collect a personal tax.

Mr. HAMLIN. Then let us appoint another board of commissioners who will not tell us that.

Mr. SHERMAN. If my friend will allow me, I desire to say that the greater body of the personal property of this District, especially the bonds, are held by corporations and parties who can not move out of the District; and, therefore, there is no difficulty in collecting the tax here just as we do in Ohio; and the failure to collect this tax one year ago was a palpable and shameless repudiation of a law of the United States. * * * The nullification of an act of Congress by the assessors in this District was one of the most indefensible and outrageous acts I have ever seen in the course of my public life. Congress deliberately, after full investigation, declared that personal property in this District should be taxable as it is in nearly all the States of the Union; that those wealthy people who own property and those large corporations who administer property in the District should pay taxes just like the humble poor or the middle class who own real estate. That was the deliberate judgment of Congress, and Congress is the lawmaking power of this District. * * * The law was plain and expressly declared that there should be levied a tax of 1½ per cent on certain real estate in this District and on all personal property. That law was openly, flagrantly, and without excuse violated and entirely nullified and made void. * * * That these assessors should disregard it seemed to me a pretty high-handed proceeding, and, therefore, I think we ought to try these assessors again; we ought to make it the express and bounden duty of the commissioners to see that this law is executed; and if an assessor fails for a single day to perform his duty, we should require the commissioners on their responsibility to remove him promptly and to see that the law is enforced.

The District assessor, Mr. H. H. Darneille, in his report for the fiscal year ending June 30, 1900, said:

“Being well satisfied that an equitable enforcement of the law relating to personal property is absolutely impossible, I deem it my duty to make recommendation for its repeal. I claim that this law is wrong in principle, that it invites perjury, and is calculated to demoralize the standard of public morality.”

[From the Washington Times, Jan. 8, 1902.]

SYMPOSIUM OF VIEWS ON PROPOSED PERSONAL-PROPERTY TAX MEASURE.

Bank presidents, real estate brokers, merchants, lawyers, and business men generally expressed themselves yesterday in positive and caustic terms against the proposed personal property law. They charge that—

It would be inequitable, meddlesome, vicious, unjust, and impracticable.

It would be inequitable because it would tax some classes of the community more than others, and impose taxes that some would pay or could be forced to pay and that others could evade.

It would put a tax on honesty and a premium on trickery and evasion.

It would destroy one of the chief advantages of the Capital City—the providing of homes for millionaires from other parts of the country who come to Washington to escape inquisitorial and meddlesome laws in their own States and cities.

It would be such a drain on the incomes of the capitalist class that in order to live on their incomes they would increase their rents and interest rates, and thus indirectly tax the classes that would be least able to bear further taxation.

It would be a blow at progressiveness and expansion of business by making the merchants pay taxes on the amount of their stock in trade.

It would be such a severe tax on building associations that properly conducted organizations of this character would be forced out of business.

In such organizations it would tax the savings of the poor and tend to prevent saving and frugality.

It would be unjust to the people of the District, who already pay as high taxes as other communities, although they have no voice in the government of the District.

It would add another burden to the business men of Washington, who already are handicapped because the wealthy residents remain here only while Congress is in session.

It is defective and could not be enforced.

Mr. OYSTER. Mr. Chairman, reference might be made to a number of other municipal problems, the handling of which by the District executives in the past 40 years do not by any means reach that high state of business perfection claimed by the admirers and worshipers of our un-American form of government; but I shall refer only to a few of them at this time—our street railways, which have been incompetently handled, to the detriment of the people, financially and otherwise: the saloons, those hell holes which were reduced from 500 to 300 by the Jones-Works bill, with little help from the District authorities, and which several years later were wiped out entirely by the Sheppard prohibition bill, one of the best pieces of legislation ever passed by Congress for the benefit of the National Capital, and I take this occasion to say that the Senator deserves the thanks of every man, woman, and child who wishes to see Washington not only become the most beautiful city in the world, but also the most moral city, neither of which results could take place had the saloons remained in operation.

Mr. Chairman, there is a live question now before the people of the District, and that is our alley condition. I think efforts are being made by certain parties to have the alleys vacated.

The CHAIRMAN. That has reference to the housing proposition. There is going to be a separate hearing on that. If you are going to take up the question of providing for the alleys, I would suggest that you withhold that portion of your remarks and let it be presented in the hearing covering that subject. A request has been made for a hearing on that subject, and I would suggest this matter be brought up at that time.

Mr. OYSTER. Very well; I will take it up at that time.

In the Senate, on December 2, 1902, Senator Gallinger introduced a joint resolution proposing an amendment to the Constitution of the United States, giving the people of the District of Columbia representation in Congress and a vote in the Electoral College.

The joint resolution above referred to was indorsed by the American Federation of Labor, representing 1,500,000 workingmen at that time, now 4,000,000; by the Union Veterans' Union, a national organization of soldiers of the Civil War; by the Central Labor Union, representing the organized workingmen of the District, and by a large number of the most prominent men of Washington, and there is no doubt in my mind that a large majority of the people of the District would have voted for the proposed amendment had they been given the opportunity, and I have no doubt whatever that a very large majority of them are in favor of the joint resolution introduced by Senator Jones, now being under consideration by your committee.

Mr. Chairman, on March 11, 1903, a memorial which I had the honor to write was taken to the White House and presented to President Roosevelt with the request that he recommend the approval of the Gallinger amendment by Congress and the States. He received the delegation courteously, and said he would be pleased to give the subject consideration, but no action was taken by him or by Congress. I trust the Jones resolution will meet with better success.

“The fight must go on. The cause of civil liberty must not be surrendered at the end of one or even one hundred defeats,” said Abraham Lincoln.

Yes, Mr. Chairman, the fight must go on, will go on, until the efforts of those who are struggling for the reestablishment of an American form of government in the capital of the American Republic are crowned with success, as they surely will be in the end.

For Freedom's battle once begun,
Bequeathed from bleeding sire to son,
Though baffled oft, is ever won.

Mr. Oyster subsequently said:

Mr. Chairman, when I was before the committee yesterday I had tables, prepared by the District assessor, which I intended to present on the question of taxation, as Congress seems to be so badly informed in regard to our taxes and how they are raised. These tables show clearly just what the taxes are and how enormously they have increased in late years, both the real estate and personal property taxes, tangible and intangible. These are statements prepared by the District assessor and they are official. I thought it would be well to insert them in connection with my statement in regard to taxes which I previously made before the committee.

Senator SHEPPARD. Why do you say that Congress seems to be badly informed?

Mr. OYSTER. When the tax bill was discussed recently in the Senate, some Senators did not know that we were taxing intangible personal property. That statement was made on the floor of the Senate. I do not think, therefore, that some Senators and many Representatives are aware of the immense increase which has been made in the assessment on property in the District. The tables which I present show clearly the increase from year to year, and I think they will be very valuable.

The CHAIRMAN. The tables will be inserted in the record at this point.

(The tables referred to are as follows:)

[By Mr. William P. Richards, assessor.]

Collections and expenditures, District of Columbia, 1920-21.

Penalties and reimbursable tax.....	\$61, 912. 00
Miscellaneous sources.....	99, 958. 71
Rents and tax on Highway Bridge.....	79, 697. 55
Sales of garbage and old material.....	120, 983. 67
Insurance taxes and licenses.....	207, 798. 24
Assessment and permit work.....	296, 551. 98
Police court fines and juvenile court.....	322, 906. 96
Licenses, motor vehicles, etc.....	442, 360. 17
Miscellaneous receipts to United States.....	515, 010. 55
Water fund (rents, assessments, etc.).....	1, 070, 339. 49
Personal property:	
Tangible.....	2, 843, 091. 98
Intangible.....	916, 583. 41
Real estate.....	8, 024, 344. 80
 Total revenue.....	 <u>15, 001, 549. 51</u>
Public-service enterprise.....	7, 287. 18
Interest and debt.....	975, 408. 00
Water department.....	1, 027, 660. 53
Miscellaneous.....	1, 756, 507. 34
Recreation.....	1, 921, 524. 12
General government.....	1, 928, 888. 83
Health and sanitation.....	2, 219, 691. 89
Highways.....	2, 736, 118. 76
Charities and corrections.....	2, 999, 127. 92
Protection to life and property.....	3, 532, 489. 23
Education.....	5, 676, 454. 74
 Total expenditure.....	 <u>22, 961, 160. 14</u>

[Compiled by Mr. Wm. P. Richards, assessor.]

Assessment on real estate in the District of Columbia from 1883 to 1922.

Assessment.		Assessment.	
1883.....	\$92,533,665	1903.....	\$208,519,436
1884.....	90,848,674	1904.....	213,250,418
1885.....	93,502,464	1905.....	217,608,296
1886.....	96,053,329	1906.....	239,461,985
1887.....	108,302,101	1907.....	247,306,494
1888.....	111,744,830	1908.....	255,324,834
1889.....	115,485,353	1909.....	277,570,952
1890.....	137,626,419	1910.....	285,153,771
1891.....	141,609,891	1911.....	294,767,547
1892.....	145,481,278	1912.....	330,322,487
1893.....	147,024,276	1913.....	339,198,990
1894.....	191,417,804	1914.....	345,124,144
1895.....	192,555,046	1915.....	390,309,278
1896.....	188,922,343	1916.....	394,209,904
1897.....	180,376,908	1917.....	402,099,232
1898.....	181,256,284	1918.....	410,173,609
1899.....	183,156,371	1919.....	414,610,691
1900.....	176,567,549	1920.....	426,498,370
1901.....	180,334,641	1921.....	434,796,786
1902.....	182,525,608	1922.....	472,945,805

Taxation in the District of Columbia.

[Compiled by Mr. E. W. Oyster.]

Year.	Land and improvements.		Year.	Land and improvements.	
	Assessment.	Amount of tax.		Assessment.	Amount of tax.
1875.....	\$98,875,041	\$1,468,126	1900.....	\$176,567,549	\$2,648,503
1885.....	93,502,624	1,392,539	1901.....	180,334,641	2,705,020
1892.....	145,481,278	2,182,219	1902.....	182,525,608	2,737,884
1893.....	147,024,276	2,205,364	1905.....	217,608,296	3,264,124
1894.....	191,417,804	2,871,267	1908.....	255,324,834	3,829,862
1895.....	192,555,046	2,888,325	1911.....	294,767,547	4,421,513
1896.....	188,922,343	2,833,835	1914.....	345,124,144	5,176,862
1897.....	180,376,908	2,705,654	1917.....	402,099,232	6,031,488
1898.....	181,256,284	2,718,844	1920.....	426,623,630	6,399,354
1899.....	183,156,371	2,747,346	1921.....	434,794,786	8,478,498

[Compiled by Mr. E. W. Oyster.]

Taxation in the District of Columbia.

Year.	Assessment.	Tax.
Tangible personal property:		
1877.....	\$15,429,873	.....
1883.....	9,028,812	.....
1885.....	12,795,934	.....
1897.....	9,532,851	.....
1900.....	14,391,438	.....
1910.....	25,192,361	.....
1915.....	34,530,823	.....
1918.....	43,140,336	.....
1920.....	66,821,047	\$1,002,316
1921.....		¹ 1,634,974
1921 (in lieu of tangib'e gross earnings of banks, trust companies, and public service corporations).....		¹ 1,472,027
Intangib'e personal property (at \$0.30 per \$100):		
1920.....	323,031,277	969,094
1921.....		¹ 971,849
Total tangible and intangible, 1920.....		3,089,799
Total tangible and intangible, 1921.....		4,078,849

¹ Assessor's report for 1921, p. 7

STATEMENT OF PAUL E. LESH, CHAIRMAN SUFFRAGE GROUP OF THE CITY CLUB, AND MEMBER, BRIEF COMMITTEE, CITIZENS JOINT COMMITTEE ON NATIONAL REPRESENTATION.

Mr. LESH. Mr. Chairman, I think I stated my name and my connection when you heard me briefly the other day. My name is Paul E. Lesh, a lawyer by profession.

Mr. WINFIELD JONES. Mr. Lesh was heard once before. We have four speakers who would like to be heard. I think he took an hour and a half or two hours before.

Mr. LESH. You are mistaken. I was heard briefly, but I was stopped long before I had completed what I had planned to say. I spoke a bare half hour, as I remember it. I have been here every day waiting an opportunity to complete my statement.

The CHAIRMAN. How long will you require?

Mr. LESH. Twenty-four minutes is my estimate.

The CHAIRMAN. Twenty-four minutes are granted you.

Mr. LESH. We came here several weeks ago advocating a constitutional amendment to enable the residents of the District of Columbia to participate in the election of President, of one or two Senators and of representatives according to population, and access to the Federal courts. The Chairman several times in the course of the hearings intimated that he would favor our proposal if it included only participation in the election of President and did not go to the extent of including the election of Representatives and Senators. We hope that the committee is by now prepared to accept our proposition as a whole, but it may be thought by some that it would be good policy for us to modify our proposal to include only the election of the President in order to enlist the powerful aid of those who would go this far and no further with us.

But it would be impossible for us, as we see it, to accept or advocate any such modification of our proposal, for the following reasons:

Whatever relief we get at this time, whether it be by simple legislation within the present constitutional powers of Congress or the submission by Congress of a proposed constitutional amendment, such relief as we get is likely to be the only legislation affecting the form of our government for years to come. It was 1878—43 years ago—that Congress last made any change in the form of government of the District. The time of Congress is certainly as much taken up, in fact it is much more taken up, by other affairs to-day than it has been during most of the past 43 years. I expect that whatever we get as a result of our present propaganda will be all that we will get for, say, 40 years to come, even if what we get is simple legislation such as is advocated by some of the persons who appear here.

If, however, what we get is any sort of a proposal to amend the Constitution and such a proposal to amend is passed by both Houses of Congress, it must be submitted to the States for adoption and we must advocate its adoption there; and when it is finally adopted, I think that you must agree with me that we would be practically precluded within the lifetime of any of us and perhaps forever from going to the States with an additional or further amendment. If therefore we modify our proposal and gain support by doing so, what we would accomplish would not be progress toward anything more, but would be a practical finality by way of change by constitutional amendment in the political status of the citizens of the District. We are compelled therefore to think about the suggestion that we ask for power to participate in the election of the President only as a substitute for our proposal, not as a step toward it.

If I correctly understand what was at first in the mind of the chairman, it was this: That the President appoints our commissioners, who, in common parlance and somewhat inaccurately are said to "rule" the District of Columbia. The President appoints our judges and other local officials. The President therefore has so direct and intimate a relation with the affairs of the District that it is particularly fitting that we should have some voice in his selection, and if we did, it could not be said that we are wholly without power in our own government.

As against these considerations I submit the following:

Such a line of thought overlooks entirely our claim to a right to participate in national affairs. In saying this, I am not overlooking the fact that the President is a national official. I mean that the reasons that have been suggested for selecting the President as the one national officer we should elect, are local reasons. It is because of his peculiar relation to the local government of the District of Columbia. On the other hand, what we want is not only a share in the government of the District of Columbia, which, as the chairman has several times properly pointed out, is an affair of national concern, but also a share in all of the other affairs of the Nation.

When the committee was good enough to allow me time to talk the other day, everything that I had to say bore upon this single point: That we of the District are a part of the Nation and entitled to our share of its powers and responsibilities. The time that the committee has put at our disposal is too short to indulge in the luxury of

repetition, but I want to remind the committee that if Congress should decide to substitute a sales tax for an excess-profits tax, that decision would affect the citizens of the District and their bank accounts and pocketbooks just as truly and just as much as it would affect the citizens elsewhere in the Nation—if Congress should decide that the time has arrived for the Philippines to have a greater measure of independence, that decision is one in which we of the District have as much right to participate as any other citizens of the Nation—in the deliberations of the Senate about to be had upon the recently proposed treaties, we should be heard through our Senator or Senators and have as much right to be heard because we are as much affected by the result as any other citizens of the Nation. If the result is a prevention of war, it is the young men of the District as well as the young men of the rest of the Nation who will be saved from going. It is the people of the District as well as the people of the rest of the Nation who will be called upon to foot the bill of a war in higher Federal taxation.

We are not placing our proposal for a constitutional amendment solely, or so far as I personally am concerned, even principally, upon a demand to be allowed to participate in the local affairs of the District of Columbia, but upon the ground that we want to be heard upon the affairs of the Nation.

If our claim is a just one, then surely no member of the Congress and certainly no committee of the Senate should say to us that it is sufficient that we should help to elect the President. We have seen and deplored a growing tendency on the part of Congress to place in the Executive or in tribunals or commissions selected by him, a portion of the powers of Congress, but surely no one here is ready to accept the proposition that the Congress or the Senate is a comparatively unimportant branch of our Government.

You might think that what I have just said by way of parenthesis of a tendency of legislation in recent years has no place in such an argument as this. I think you might go further, so long as the existing status of citizens of the District remains; you might say that it is an impertinence for any man born in the District and always a resident here to have any views whatever about what Congress has done or is doing with national problems. We ought to realize perhaps that we are outsiders, strangers, almost foreigners to the American Government and that our thoughts about it are unimportant. Certainly anything that is impotent is unimportant, and the fact that we have no way to make our views or thoughts on national affairs of any effect is almost a discouragement to have any thoughts at all.

But even considered from the local point of view, it is not sound to say that our desire to participate in our local government would be fairly satisfied by allowing us to participate in the election of the President.

It is true that the President nominates our commissioners, but it is not true that the commissioners rule the District of Columbia. Congress is our local legislature.

This is true to-day and will always be true, if for no other reason, for the single one that Congress has and will continue to have the power to hold the purse—the power of taxation and appropriation. Even if it could constitutionally be done, no one who hears this or reads it and gives consideration to the matter can imagine Congress delegating to the commissioners or to anyone else the power of appropriating what must come out of both the local revenues and the National Treasury, the money for the conduct of our local affairs. If you have an imagination wild enough to conceive of Congress permitting the commissioners or any local tribunal to determine a rate of taxation to be levied on Government buildings and upon industries of the Government carried on here, or to determine the rate of contribution from the National Treasury to our local government, then you might conceive of the power of taxation being delegated, but I can not. And the same considerations apply to the power of appropriation, and certainly you gentlemen with practical experience in the affairs of the Government know that whoever determines how much money shall be spent by any governmental agency determines, or ultimately controls, what shall be done by that governmental agency.

Aside from the matter of taxation and appropriation, Congress is our local legislature for all purposes and in all vital local matters.

As has been mentioned by one of the speakers who preceded me, Congress determines the local rate of interest for the District of Columbia. It determines such intimate and local matters as marriage and divorce, the employment of child labor, the public instruction in the public schools—even such matters as the periods of limitation of legal actions and other matters of procedure in our local courts. We have an ancient and barbarous method of handling our lunacy cases. We have no modern and enlightened statute permitting the conservation of the affairs of old and infirm persons excepting by the finding of a jury that the person is insane. We can get a change in any of these matters only by congressional action.

Now, then, except by a participation in the election of the House and Senate, can we get any real share in the government of the District of Columbia?

In *Coughlin* against the District of Columbia, reported in 25 Appeals D. C., 251, a question rose as to the validity of a regulation promulgated by the Commissioners of the District of Columbia in 1905 as a police regulation regarding the removal by citizens of snow and ice from the sidewalks of the city of Washington. The regulation was held void because not within the power of the commissioners, but only within the power of Congress itself. The court said:

"That various municipalities may have exercised such power as appears from various municipal ordinances collated in the brief on behalf of the appellee is not to the point. Municipalities are usually vested with quasi legislative powers, among them the sovereign power of taxations and assessment, and from the fact that municipal ordinances are elsewhere to be found, analogous to the so-called regulation here in question, it is not to be inferred that similar powers exist in the Commissioners of the District of Columbia. The commissioners are not the municipality, but only the executive organs of it; and Congress has reserved to itself not only the power of legislation in the strict sense of the term, which it can not constitutionally delegate to anyone or to any body of men, but even the power of enacting municipal ordinances, such as are within the ordinary scope of the authority of incorporated municipalities. It has delegated to the commissioners simply the power of making 'police regulations,' and only such police regulations as are usual and commonly known by that designation."

In this connection we call attention to the fact that it was decided in a case arising soon after we had a legislative assembly here that Congress could not constitutionally delegate to such a legislative assembly its power to legislate for the District of Columbia. I refer to the case of *Roach v. Van Riswick*, reported in *McArthur and Mackey*, at page 171, decided by the general term of the Supreme Court of the District of Columbia in 1879. The court found that it was the intention of Congress by the act of February 21, 1871, to delegate to the legislative assembly for the District an absolute and final power of legislation, but that that intent was inoperative because unconstitutional. The court said:

The CHAIRMAN. The acts of that legislature, the house of delegates and governor, and so forth—the house of delegates being elected by the people and the other house appointed by the President—were declared by the Supreme Court unconstitutional?

Mr. LESH. Not by the Supreme Court of the United States, but in the only case in which their acts were questioned, in the general term of the Supreme Court of the District of Columbia in 1879, after the government had been abolished which only existed for a brief period. In that case it was held that legislation by that so-called Territorial legislature was unconstitutional, or was void because unconstitutional.

Mr. NOYES. That is general legislation?

Mr. LESH. General legislation.

Mr. NOYES. As distinguished from municipal legislation.

The CHAIRMAN. They could not pass any general legislation. It would only be general legislation for the District.

Mr. LESH. For the District.

The CHAIRMAN. They had no power to legislate outside the District.

Mr. NOYES. That was a license case and affected salesmen from Baltimore.

Mr. LESH. No. You have in mind the *Stoutenburgh* case in the One hundred and twenty-ninth United States. There the distinction you have indicated was the true distinction, but this case before the Supreme Court of the District of Columbia in general term was a case in which the local legislature had declared judgments to be liens on equitable interests in real estate. It was legislation for the District of Columbia, and it was held in that case that it was void because unconstitutional.

The CHAIRMAN. What court was that?

Mr. LESH. The Supreme Court of the District of Columbia in general term, which was the court corresponding to our present court of appeals. It was the court of last resort in the District of Columbia, from which an appeal lay only to the Supreme Court of the United States.

The CHAIRMAN. According to that decision the District of Columbia could not have a local government.

Mr. LESH. If that decision is correct, sir, that is true.

The CHAIRMAN. And it was the intention of the Constitution, whether explicitly expressed or not, that the government of the District of Columbia should be absolutely under the control of Congress.

Mr. LESH. That it was a part of the legislative powers of Congress, and that therefore it could not be delegated to another body.

Mr. NOYES. Are you going to discuss the *Stoutenburgh* case?

Mr. LESH. I was going to mention it.

What the court said in the case I have mentioned was:

“Our conclusion, on the whole, is that the act of the District legislature declaring judgments rendered by this court to be liens on equitable interests in land, was an act of legislation which it was only competent for the Congress of the United States to pass, and was in itself totally inoperative and void, and the decree rendered by the court below must be reversed.”

In order that there may be no misunderstanding, I want you to realize that the court, in the formal portion of that opinion which I have not quoted here, held flatly that it was not the intention of Congress by the act of 1871 to delegate to the legislative assembly for the District the absolute and final power of legislation.

The CHAIRMAN. I am not a lawyer, but I take it from that that it would require a constitutional amendment to delegate that power.

Mr. LESH. To delegate general legislative power for the District.

The CHAIRMAN. Is that your understanding?

Mr. LESH. That is correct. I would be very glad if the lawyers on the committee would look at that case. It is the only decision on this subject.

A decision by the United States Supreme Court which bears upon the same question and is not inconsistent with this conclusion is that of *Stoutenburgh against Hennick* (129 U. S., 141), decided January 14, 1889. The question arose in a criminal case concerning the validity of an act of the legislative assembly of the District of August 23, 1871, amended June 30, 1872, providing that persons in certain trades should be required to obtain a license including commercial agents who offered for sale goods, wares, merchandise, by sample or catalogue.

The court held through Mr. Chief Justice Fuller:

“This provision was manifestly regarded as a regulation of a purely municipal character, as is perfectly obvious, upon the principle of *noscitur a sociis*, if the clause be taken as it should be, in connection with the other clauses and parts of the act. But it is indistinguishable from that held void in *Robbins v. Shelby Taxing District* (120 U. S., 489), and *Asher v. Texas* (128 U. S., 129), as being a regulation of interstate commerce, so far as applicable to persons soliciting, as Hennick was, the sale of goods on behalf of individuals or firms doing business outside the District.

* * * * *

“In our judgment Congress, for the reasons given, could not have delegated the power to enact the third clause of the twenty-first section of the act of assembly, construed to include business agents such as Hennick, and there is nothing in this record to justify the assumption that it endeavored to do so, for the powers granted to the District were municipal merely, and although by several acts Congress repealed or modified parts of this particular by-law, these parts were separably operative and such as were within the scope of municipal action, so that this congressional legislation can not be resorted to as ratifying the objectionable clause, irrespective of the inability to ratify that which could not originally have been authorized.”

It is significant that in the several proposals that are before this committee, some of which are brought forward as measures for local self-government, there is no proposal to take away from Congress any of its legislative powers. It is proposed by one measure, Senate 417, known as the Capper bill, to elect the commissioners of the District and the school board by the residents of the District, but it is not proposed by any bill to enlarge the powers of the commissioners or those of the school board. If, therefore, we are correct in our assertion that legislative power is in Congress only and not in these municipal boards, and will there remain, then the only method by which we can secure any participation in this legislative power is by our constitutional amendment proposing the election of such Members of the House as our number justifies and one or two Senators.

In connection with the power of the President to appoint our commissioners and our judges and other local officials, there is a consideration which occurs most strongly to us because of our experience in the past and must occur to Members of the House and Senate who have had a wider experience in such matters. It is true that the power to nominate these local officials is vested in the President, and it is true that his nominations are almost invariably confirmed by the Senate. But the power of confirmation or rejection rests in the Senate. That power is reckoned with by the President before the nomination is made. You know, as we do, that in determining whom to nominate for such a position, for example, as a judge of the Supreme Court of the District of Columbia, the President consults or is consulted by members of the Senate. That court is our principal court of original jurisdiction. Of the six judges of that bench, one is from New Jersey, one is from Vermont, two are from Maryland, one is from Tennessee, and one is from the District of Columbia. Of the

three judges of the court of appeals, all are from the States; not one from the District of Columbia.

The CHAIRMAN. In your local courts they are from the District of Columbia?

Mr. LESH. Our court of appeals is our local court of last resort. The Supreme Court of the District of Columbia is the only court of local jurisdiction. We have our minor local courts, in which the jurisdiction is limited in amount, corresponding to a magistrate.

The CHAIRMAN. I refer to those courts that are limited to District matters.

Mr. LESH. There are no such courts. Our Supreme Court of the District of Columbia handles District and national matters indiscriminately. If you sue me in the District of Columbia for any respectable amount on a promissory note, or anything else, you sue me in the Supreme Court of the District of Columbia, to which I have just referred. It is our court of original jurisdiction.

Mr. BRANDENBURG. And on that bench we only have one judge from the District.

Mr. LESH. On that bench we only have one judge from the District, and we have none on the court of appeals, to which appeals go from the Supreme Court of the District of Columbia. You must have had in mind the municipal court and police court. The municipal court is limited in amount, and the police court handles only petty offenses, being a committing magistrate binding over to the grand jury. Appeals from those courts go to the court of appeals, on which we have three splendid gentlemen all from the States.

Mr. BRANDENBURG. Even on the police court one of the judges is not from the District.

Mr. LESH. Even on the police court one of the judges is not from the District. We never heard of him until he came here.

The CHAIRMAN. I wanted to know whether these judges appointed outside of the District have Federal jurisdiction.

Mr. LESH. They do, sir. The District of Columbia is peculiar in that it is a part of no other Federal district. Our Supreme Court of the District of Columbia is also our United States Court.

The CHAIRMAN. It is a district in itself?

Mr. LESH. It is a district in itself.

The CHAIRMAN. That answers my question.

Mr. LESH. It is our United States court for this District, and the bar of this District is very poorly represented upon that court. In other words, when we say they are taken from outside the District, we mean they are taken from outside the Federal district as well as outside the local District.

Senator SHEPPARD. What circuit is the District a part of? What Supreme Court circuit is it a part of?

Mr. LESH. It is not a part of either.

Mr. BRANDENBURG. It is not a part of any circuit.

Senator SHEPPARD. Not a part of any circuit of the United States?

Mr. BRANDENBURG. No; it is not.

Mr. LESH. It corresponds to other circuits, other districts, but is of itself a district.

The CHAIRMAN. It is a district of itself?

Mr. LESH. It is a district of itself.

Mr. BRANDENBURG. We would really be a part of the fourth circuit, if we were assigned to any circuit, because Maryland is part of the fourth circuit.

Senator SHEPPARD. You are not assigned to any circuit?

Mr. BRANDENBURG. We are not.

Mr. LESH. We would be a part of the fourth circuit, if we were assigned to any circuit, because of our geographical location.

Mr. BRANDENBURG. Maryland and Virginia and North Carolina are in the fourth circuit.

Senator SHEPPARD. You are a circuit of your own?

Mr. LESH. Yes, sir.

Mr. WILLIAM MCK. CLAYTON. I think the speaker should refer to the court of appeals in making that statement. It does consider patent cases, and they are essentially more national than local.

Mr. LESH. And the court of appeals is trying to get rid of them.

Mr. CLAYTON. I understand.

Mr. LESH. I am glad that was called to my attention, because I want to be fair.

It is true that after our judges have been in office for some years, though they retain a political connection, I believe, with their home States, they become, some of them, real residents of the District of Columbia. In fact, one of them is one of the strongest advocates of our proposal.

I want to meet fairly any possible argument to the contrary, and I want to suggest to the committee that some one may say that our local courts have so often to do with national questions that the Nation as well as the local community should be represented on its bench. But who will say that the proportion of national questions in our local courts justifies the proportion of eight out of nine of our principal judges. And if it is true the cases of national importance are frequently in our local courts, it is true also that our local bar is one particularly trained for the handling of just such questions. Why then would it not be more logical to appoint the members of the bench from the members of the local bar rather than practically exclusively from bars which have no such national outlook.

There is no logical justification for this method of appointing our local judges. It is, as perhaps you gentlemen know from experience, a matter of practical politics. A Senator from a State wants to get something for his State. One of the offices at the disposal of the President is appointment to the bench of the District of Columbia. The Senator requests the appointment of his candidate and the President nominates him and the nomination is confirmed. The few nominations of residents of the District of Columbia are the result of personal acquaintances or of tremendous effort on the part of our citizens.

It is not true to say that if we had a share in the election of the President we would have our rightful share or control of these nominations. We will get our rightful share only when we have our delegation in Congress and in the Senate who can demand it for us with the same authority that the members of the Senate now demand it for their constituents.

The proposal to elect our commissioners by the people of the District has not been much advocated in these hearings, but since it is before the committee I think we should let the committee have our views upon it. We are primarily concerned in advocating the constitutional amendment and are interested in this other proposal principally as it affects our proposal. I would therefore first put the matter in this way: That if we citizens of the District can get the power to participate in the election of the President and Members of the House and Senate, then, since we would be truly a part of the Nation and the commissioners are the Nation's agents in administering its capital, it would be more logical to have the commissioners appointed by the Nation as they are to-day; that is, appointed by the President and confirmed by the Senate. I am confident that our local interest in their selection would be looked out for by the President, who would then be our President as well as the States', and by our delegation in Congress. The existing law requires the District Commissioners to have been for three years prior to their nomination residents of the District of Columbia. A number of our people do not believe that this law has always been observed but with a voting representation in Congress from the District I am confident that it would be. And I am confident that we would by reason of our proximity to the Capital and by reason of the greater familiarity of our own Representatives and Senators, with local conditions, get our full share in the control of local affairs.

But the election of the commissioners is advocated by some persons who believe that our proposal is the ideal, but is difficult to obtain, and will not be obtained for years to come, if ever, and such persons feel that pending the adoption of a constitutional amendment it would be well to give the citizens of the District this much participation in the affairs of the city. Personally, I think that most persons who advocate the election of the commissioners do it under the delusion that it means self-government, which it does not at all. In the more substantial matters of government the commissioners are only the persons who lay requests and recommendations before those who have the real power.

Those who have the real power here are the President and Congress. Under existing law the President and the Senate select these commissioners and have, or should have, a certain loyalty to their administration. Personally I believe that a commissioner appointed by the President and confirmed by the Senate will have the confidence of the President and the Senate to a greater degree, and is able to influence their action to a greater degree, than a commissioner not so selected. In regard to our commissioners, Mr. Chairman, if I may be permitted to interrupt with a question, I would like to say that most bills introduced in Congress are referred to the commissioners for hearing and report before any action is taken on them. Congress is anxious to know the opinion of the commissioners.

Mr. Wm. McK. CLAYTON. If we elected our commissioners, would not the report of the commissioners on those bills be based more on what they believed the people of the District of Columbia thought of them than they are now?

Mr. LESH. Presumably, yes. Their report would come more authoritatively as a report of the people of the District.

The CHAIRMAN. I may differ from both you gentlemen in respect to that. Any person serving in public life must come to this conclusion: They are there in a representative capacity, to do what they believe to be right and fair and just to the people, irrespective of the demands from their constituents. Never was that impressed more on my mind than in some legislation we have had, as far as treaties are concerned, within the last two years. The commissioners are in a better position to know what is best for this District. They look at it with an unbiased mind. Interested individuals can come to them and say do this or do that, or in case of propaganda four or five hundred people can go out and get signatures to letters and send to those commissioners to influence them. A man in public life has the responsibility for his acts, and he is held responsible for them. The man who has no responsibility will do things he would not think of doing if he did not have to answer for them afterwards. So I think your commissioners, if they are the proper commissioners for the District, would act on their judgment after, of course, hearing all sides, as they do now; but they must take the responsibility for those acts themselves and stand for it. It is very easy to say do this or do that, by a person who has no responsibility, but the man who has to cast that vote or render that decision must answer for it afterwards, and if he is an honest man he will make up his mind what is right and best for all before he does that. Your commissioners would be acting purely in a representative capacity on their own judgment.

Mr. CLAYTON. What I had in mind was instances in the District where there could be no question but what the people had reached a conclusion on certain matters, everybody being for or against it; yet, notwithstanding that fact, the commissioners undertook to oppose the whole District of Columbia and come to Congress in opposition.

The CHAIRMAN. I never found the District unanimous on anything.

Mr. CLAYTON. That was the idea I had in mind.

Mr. LESH. I may say, so far as I agree with you, I agree with you only because their functions are executive. There is merit in what you say, because they are executives after all, and not legislators.

The CHAIRMAN. The responsibility is just as great on a legislator as on an executive.

Mr. LESH. There is a different sort of function, But I can not pursue that without taking more than my 24 minutes.

But this last is only a personal view and is therefore less important. The fundamental objections that we have to the bill for the election of the commissioners are the same as those already mentioned with regard to the bill to elect a Territorial Delegate. The danger is that the bill will be regarded, if not by the committee then by Congress as a whole, as an alternative to our proposal. Congress will feel, if it should enact such a bill, that it had done something for the citizens of the District of Columbia and that it is entitled to turn its attention to other matters for, perhaps, another period of 43 years. Also, there is the same objection or difficulty with regard to the voting electorate as has been mentioned in connection with the delegate bill. The bill provides that persons claiming residence elsewhere shall not be entitled to vote. Any person in the District of Columbia therefore who either votes elsewhere or thinks that he may some day wish to vote elsewhere will not qualify as a voter here, and it is obvious that persons who realize how limited are the powers of a Delegate in Congress or the Commissioners of the District of Columbia, will not give up the possibility of voting in the States for officers of real power to get the doubtful privilege of voting in the District of Columbia for such municipal officers.

A specific objection to the bill to elect the school board in addition to those already mentioned is that it provides a salary of \$1,000, just a sufficient amount to make the jobs sought for by persons not qualified to fill them, and not a sufficient amount to attract any one who is qualified to fill them. If a position on that board is to be obtained by a political campaign competing with persons who want the job as a job, the board will not in the future be composed of persons of the high caliber of its present members, men and women who have accepted the positions because they are given without pay an opportunity for public service.

The other phase of our constitutional amendment should also be called to your attention, the provision that residents of the District shall have the status of citizens of a State for the purpose of suing and being sued in the courts of the United States. This can be accomplished only by constitutional amendment. Upon this point the Supreme Court in *Hepburn v. Ellzey* reported in 2 Cranch, 445, said:

"It is true that as citizens of the United States, and of that particular district which is subject to jurisdiction by Congress, it is extraordinary that the courts of the United States, which are open to aliens, and to citizens of every State in the Union, should be closed upon them. But this is a subject for legislative, not for judicial consideration."

It is certainly extraordinary and unjust that if a member of this committee should be sued in a State not his own he could remove the case to the Federal courts for trial,

but if a resident of the District should be sued in the same State he could not remove the cause to the Federal courts for trial. Certainly there can be no argument about this phase of the matter, and I mention it only that you may have it in mind as an additional reason showing the necessity for a constitutional amendment.

On the whole, gentlemen, we have come to the conclusion and we hope that you will finally agree with us, that the amendment to the Constitution embodied in the Jones bill, Senate joint resolution 133, without change, is what is needed to give the residents of the District their logical and rightful status as citizens of the Nation and of the District, and that nothing less and nothing else can be accepted as a substitute for it.

We realize that your favorable action would only begin what would be a long and difficult fight. We beg of you, however, that if you agree with us that we are entitled to what we ask, do not let any matter of expediency keep you from giving us a favorable report. Many a fight that has been won in Congress has been started on its roads to ultimate victory by a favorable report on a proposal that did not immediately pass both Houses. Let us have the added weight of your recorded opinion for our next hearing even if you think your report will not result in the proposal passing the Congress at this session. We had a hearing last January. We have been told afterward that we impressed some members of the committee very favorably. So far as any recorded opinion is concerned, that hearing is lost, because there wasn't any report, there was no minority report, there was nothing.

And if we have convinced only the small majority of this committee who have found time to attend these hearings, and the majority of the full committee who have not heard us are not persuaded, let us have a minority report. Let me suggest to you that there may be some honor attached to being the first to report in favor of this proposal, because ultimately it will be adopted. Ultimately it will be a part of the Constitution, and all who then read it will wonder why it was not sooner done.

Its omission in 1801 can be well understood. There were not enough people here to elect even one Congressman or one presidential elector. But its continued omission in 1922 reflects no credit upon anyone charged with the constitutional duty of proposing needed amendments to the Constitution.

We can promise you that the citizens of the District of Columbia will remember with gratitude the names of those who first record by a committee report their approval of the proposal we advocate. Those of us who have appeared here will not forget the courteous attention you have given us, whatever may be your view of our cause.

STATEMENT OF MR. KELLY MILLER OF HOWARD UNIVERSITY, WASHINGTON, D. C.

Mr. MILLER. Mr. Chairman, the persons having this in charge have gone over the general features of this provision, and I am merely here to assure the committee as far as I can that the participation of the colored citizens of the District in the franchise will in no way impair the good government of the community. That objection, I understand, has been lodged in the minds of some to jeopardize the passage of this measure.

The fifteenth amendment to the Constitution has recently become recognized as an enduring and valid part of the Constitution of the United States. Some years ago there was a strong sentiment through this country toward rescinding the fifteenth amendment. People were speaking and writing articles in newspapers and magazines, proposing that it be done. In an appropriations bill in the Senate, the question of the fifteenth amendment was raised and a rider was attempted to be attached to the bill, which received the support of every Senator from a certain section of the country. A distinguished Republican Senator from a great State in the West openly advocated the rescission of the fifteenth amendment. But there has been a radical change in sentiment, especially since the World War.

A case was brought before the Supreme Court from Oklahoma, testing the validity of the grandfather clause in certain States, and the Supreme Court by unanimous decision, concurred in by members from the South as well as from the North, Democrats as well as Republicans, held that the grandfather clauses were unconstitutional, because they violated the fifteenth amendment, and that the fifteenth amendment is a valid and legal part of the Constitution of the United States. That decision, if I recall correctly, was uttered through the mouth of that distinguished jurist from Louisiana, Chief Justice White. So that the fifteenth amendment, which forbids the imposition of political disability on account of race or color, need not figure in the issue now before us.

There is in the minds of some the notion that the participation of colored people in government is a jeopardy to good government. I think a recital of the facts will upset that contention. I will take the State of Delaware, that has 30,000 negroes out of a population of some 220,000, constituting 14 per cent. The Negroes vote as freely as any. In Maryland there are some 245,000, who vote as freely as any. In West Virginia there are nearly 100,000, in Kentucky nearly 300,000, in Missouri 178,000. In these States the government is as efficient and as high minded and as pure and as progressive as the governments of any of the States where the Negro is not permitted to vote.

Take New York City, that has now 153,000 Negroes, Philadelphia with 134,000, Chicago with 190,000, Baltimore with 108,000, while Washington has 109,000. Here are five cities each with over 100,000 Negroes. The only other city in that class is New Orleans, La. In four of these cities the Negro votes as freely as any, and no one can say that their participation in the government in any way lowers the tone or standard or progressiveness of the governments of those municipalities.

It might be stated that in Washington, while we have fewer Negroes than in certain other municipalities, they constitute a larger percentage of the total. That is true, to a degree; but in Baltimore there are 108,000 Negroes, which constitute 17 per cent of the total population, while in Washington the Negroes constitute only 25 per cent. So they are practically in the same order of magnitude in these two municipalities. In the State of Maryland the Negroes constitute, I think, 17 per cent of the total population. So that the injection of 17 per cent in the total population of that race does not impair the character or tone or dignity of the general government.

In the city of Washington we have 109,000 Negroes. They constitute now 25.1 per cent of the total population.

Mr. WINFIELD JONES. Pardon me. According to the census figures it is 20.1 per cent.

Mr. MILLER. I think you must be mistaken. We have 109,000 out of 437,000.

The CHAIRMAN. That is immaterial.

Mr. MILLER. It is immaterial, but I want to get that accurately. It can be determined by a hasty calculation. However, that is immaterial.

That percentage has been gradually diminishing. I have the figures here from 1850 to date. In 1850 the Negroes constituted 26.6 per cent of the local population; in 1860 that had declined to 19.1 per cent; in 1870, just after the war, there was a great inrush of contrabands from the South and that swelled the Negro population to 33 per cent.

Mr. WINFIELD JONES. That is when the vote was taken away from them.

Mr. MILLER. I will get to that in a minute. It was not for that reason, however.

In 1880 the proportion rose to 33.6 per cent. Then they began to decline. In 1890 it dropped to 32.8 per cent; in 1900, it dropped to 31.1 per cent; in 1910, it declined to 28.5 per cent; and in 1920, it was 25.11 per cent.

Now, that tends gradually downward, and for very definite and clear reasons. The city of Washington is not in what we call the black belt. The surrounding country is thinly settled by colored people, so there could be no great inrush from the environs of the city. Washington is not an industrial city. It does not offer occupations in such lines of service as the Negroes usually are called upon to render. Our population is reinforced very largely through the demands of the civil service.

The CHAIRMAN. You say you have about 25 per cent?

Mr. MILLER. Yes, sir.

The CHAIRMAN. What proportion of that 25 per cent would become residents of Washington, in the event that you were granted the right of suffrage? I mean what proportion would still retain residence in other States?

Mr. MILLER. Practically all of them would be residents of Washington.

The CHAIRMAN. I know a large percentage of the white population would still retain residence in other States, and it would make the voting Negro population larger, probably an increased percentage.

Mr. MILLER. We have only something like 2,000 colored employees in the civil service, Mr. Chairman.

The CHAIRMAN. I just wanted to call attention to the fact that probably your percentage would be very materially increased in the voting population of the District, as compared with the white, for the reason that a large part of the white population would still hold special interest in their own States and would retain their citizenship there. I take it that there is not a large proportion of the colored people who hold that interest and who would retain their residence in those States.

Mr. MILLER. I see the force of your point.

Mr. NOYES. Would not the percentage of whites who vote here depend to a certain extent upon the kind of voting they were permitted to do? If they had representation

in the Electoral College and could vote for President and Senator and Representative, it would likely be a much larger percentage.

The CHAIRMAN. You must remember that Washington has a very large population of officeholders. Those officeholders are appointed from States. To retain their positions in Washington, in many instances, it is necessary for them to retain an interest in the State from which they are appointed, or they might lose their positions. Therefore, there will be a large percentage, in my judgment, of white people who would retain their residence in those States in order to be able to vote there. I think that is fair reasoning.

Mr. NOYES. I think you are right about that, but I think that if the voting power is granted to the extent proposed in the constitutional amendment it would make a considerable difference.

The CHAIRMAN. It would not influence those people whose positions depend upon their interests in their own States.

Mr. NOYES. After we get the power to vote for representation in Congress and the Electoral College, then I think we should undertake what we really should undertake to-day—to modify or repeal the apportionment of offices law, under which that condition arises. We think the argument is convincing against that situation under which it has become necessary for the young men of the District to go outside and secure residence somewhere else in order to obtain employment at home.

Mr. MILLER. I see the force of your point, Mr. Chairman. It does not appear to me that the magnitude of those who will retain residence in the States is sufficient to effect the situation. Most of the employees are under the civil service. I used to be under the civil service. They are not dependent upon outside political influence to retain their positions. They would probably not take the trouble to go to the various States and keep up their political residence. Only the few superior office holders would be under any inducement to do that. There would not be sufficient of those to affect the situation, in my judgment.

Another reason why the Negro population has declined somewhat—the Negro constitutes only about 10 per cent of the total American population. If they got an even proportion of offices in the civil service, the increase of the local population from that source would only be one-tenth that of the increase in the white population. As a matter of fact, they are not likely to get an even share of Federal patronage, so that the increase will be even less than one-tenth.

In the future we may be assured that the relative number of Negroes in this jurisdiction will decline from its present status down toward 20 per cent and even below that. In the years to come, in the next few decades, you will probably have a lower percentage of Negroes in the Washington population than you will have in Baltimore.

Much has been said about the experiment of the seventies. I understand that Congress saw fit to take suffrage away from the District because of the excesses in the seventies, and that was attributed in large part to the behavior of the Negro voters at that time. I understand that to be the cause. Now, suppose that to be true. The Negro of 1870 was quite different from the Negro of to-day. In 1870 we had in Washington 43,000 Negroes out of a total population of 131,000, or 33 per cent. They were more numerous relatively than they are now. They were comparatively ignorant, having had little opportunity for intelligence. Now they are 90 per cent intelligent. At that time comparatively few colored people had had the opportunity to acquire a sense of responsibility of or obligation, either in their own private affairs or in relation to their Government. Since that time we have thousands of colored people who own their own property, and understand the responsibility that goes with the ownership of property. They hold positions, have businesses of their own, and they understand the business of their employer. They are in the professions and in the trades. They have a broad understanding of the means and benefits of good government, which at that time they did not possess. So the failure of the experiment of 1870 should not argue against suffrage for 1922.

Then, again, Mr. Chairman, just after the Civil War there was great and almost universal corruption in National, State, and municipal politics. We heard of political corruption in Baltimore, in Philadelphia, the Boss Tweed ring of New York, corruption in Chicago, San Francisco, and even heard of corruption in the metropolitan city of your own State in the days gone by. But those days are past and gone. There is an awakened sense of civic righteousness in this Nation to-day, founded in the life and career of the greatest American who lived since Lincoln died, Theodore Roosevelt, and it is utterly impossible for that day to return to the city of Washington or to any other municipality.

Some one said in the hearing the other day, I think a member of the committee. I judge it was Senator Kellogg, of Minnesota—is he a member of the committee?

Mr. WINFIELD JONES. Senator King, of Utah.

Mr. MILLER. He said the objection would not be lodged against including the Negro in the franchise as such, but that the Negro population might unite with the office-holding population in the District, to the injury and detriment of the wealth and prestige of the people here. That is a very interesting and it seems to me rather dangerous suggestion.

The Federal Government, I am sure, is not willing to go on record as basing the franchise upon property qualifications. If we should apply that test to any situation, I should think a comparatively small percentage of the voters of any community would be found to be property holders. I was reading statistics from New York the other day, and if I remember correctly only 12 per cent of the 6,000,000 inhabitants of New York are property holders. While it is true that Negroes do not hold property as largely as whites, for reasons we all understand, they are becoming in increasing numbers property holders. They are getting hold of some of the most valuable sections of real estate in the city, not alone as tenants, but as owners. I think there is no danger that on the ground of property or lack of property Negroes and the corresponding class of white people will become politically dominant in this community. They are more likely to combine with the men of substance and understanding and experience in promoting good government of the city.

Now, one of the difficulties that has been suggested is that the Negro is a blind and bitter partisan and will not look at the issue involved in the interest of the community, but more from partisan reasons. In Washington, if we should get the franchise, we will find that Washington is a city State. The boundaries of the State are coterminous with those of the city, and we are a municipality. We do not find the bitter partisan feeling in municipal politics that we find in State and National affairs. In the city of Washington there is not very much political differentiation between the two parties, so far as I have been able to determine. On the Board of Commissioners we have one Republican, one Democrat, and one Army officer.

Mr. WINFIELD JONES. And you hardly know who is the Democrat and who is the Republican.

Mr. MILLER. I defy any member of the committee to tell, except on mere technical grounds, which is the Republican and which is the Democrat. I think that partisan feature could easily be eliminated from consideration.

One thing that has loomed large in the minds of those who object is the quadrennial squabble that we have in electing delegates to national conventions. I admit that has been disgraceful and disgusting and will militate against the giving of suffrage to the District; but that is due largely to the fact that we have no suffrage here, and men of substance and standing will not take part in it, and it has gone over to the riffraff, with the result which we have observed. I combined at the last election for delegates with a number of leading colored men and a number of leading white men to put an end to this squabble in the quadrennial election of delegates, and we have an organization working toward that end. I may say that squabble is almost as disgraceful in the Democratic Party, where there are no Negroes, as in the Republican Party, where there are a considerable number.

Mr. BRANDENBURG. We have no machinery here.

Mr. MILLER. We have no machinery here, and you can not expect anything else than a disgraceful squabble. If we had the regular machinery, the very best men, the men of influence, would get behind the proposition, and we would have no more trouble of that kind.

We have had some feeling between the races in Washington. I am connected with the National Urban League for the Welfare of Negroes in the Cities, in all the large cities, and we operate on the basis of the best white men and best colored men getting together and formulating a program for the best welfare of the needy people of the community. The best white people and the best colored people are getting together, working in harmony for the welfare of the community, and that situation exists in Washington as well as elsewhere.

Just one word as to the bills before the committee. I don't know or care very much about the relative merits of these different bills. I believe that Col. Jones and the other members who have this matter in charge have covered that feature. I don't understand that the committee is required to report any one of these particular bills. They can take the best of all the angles that have been presented and formulate a proposition which will give to the citizens of the District of Columbia as large a measure of local autonomy as is consistent with reserving control by the Federal Government. That, I understand, is the proposition before us.

Now, Mr. Chairman, we speak of making the city of Washington a model city of the Nation and of the world. We are the greatest Nation in the world, the richest and most powerful Nation, the leading Nation of all the world, and Washington, the

Capital, is bound to be the leading capital city in all the world. You can not make a leading city of public buildings and grounds and parks and driveways. You can not have a great city unless you have great citizens. If you want to make this the model city of the world, then you must have the model citizenship of the world residents of this community. That can not be done by having a dissatisfied set of local citizens, who are mere lookers-on, mere recipients, and not partakers in the government under which they live. We ought to have here, under the cooperation between the local and Federal Government the best citizenship found anywhere in the world, and then we shall make of the city of Washington the ideal capital, not only of the Nation, but of all nations. [Applause.]

The CHAIRMAN. I have a letter that I received from those opposing the amendment, which will be placed in the record at the close of the hearings.

The committee will now adjourn until 2 o'clock this afternoon.

(Thereupon, at 12.45 o'clock p. m., the committee adjourned for the noon recess, to meet again at 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee reconvened, Senator Sheppard temporarily presiding.

Senator SHEPPARD. The committee will come to order. Senator Ball has asked me to preside temporarily, he being detained on other business.

The committee will now have the pleasure and honor of hearing from Mr. Noyes.

STATEMENT OF THEODORE W. NOYES.

Mr. NOYES. Mr. Chairman, I am here as chairman of the Citizens Joint Committee on National Representation for the District, and I would like, if I may, to submit without reading a statement of the organizations that combine to constitute that committee, and also a statement of the organization of the committee itself.

Senator SHEPPARD. That will be inserted in the record.

(The document referred to is here printed in full, as follows:)

CITIZENS' JOINT COMMITTEE ON NATIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA.

Officers: Chairman, Theodore W. Noyes; first vice chairman, John Joy Edson; second vice chairman, A. Leftwich Sinclair; third vice chairman, Charles S. Shreve; treasurer, Robert N. Harper; secretary, Louis Ottenberg.

Members of executive committee: Ross P. Andrews, Joseph Berberich, George F. Bowerman, E. C. Brandenburg, Chapin Brown, Walter A. Brown, William Clabaugh, Roy C. Claffin, William McK. Clayton, E. E. Clement, E. F. Colladay, C. J. Columbus, John F. Costello, C. F. Crane, Jesse P. Crawford, J. Harry Cunningham, Samuel de Nedry, John B. Dickman, Hugh D. Digney, John Dolph, W. T. Galliher, H. H. Glassie, C. J. Gockeler, Earl Godwin, William F. Gude, Harry A. Hollohan, Joseph D. Kaufman, James Hugh Keeley, Phil King, Wilton J. Lambert, John B. Larner, J. Wilmer Latimer, M. A. Leese, James T. Lloyd, A. T. Macdonald, Henry B. F. Macfarland, Arthur Marks, P. T. Moran, Mrs. Ellen Spencer Mussey, Roy L. Neuhauser, E. W. Oyster, James F. Oyster, Fred J. Rice, George H. Russell, Albert Schulteis, George G. Seibold, Odell S. Smith, Jesse C. Suter, Corcoran Thom, Washington Topham, William B. Westlake, and A. S. Worthington.

Honorary members: Ex-Senator Henry W. Blair and Justice Wendell Phillips Stafford.

Brief Committee: E. C. Brandenburg, chairman, A. S. Worthington, H. H. Glassie, Chapin Brown, E. F. Colladay, A. L. Sinclair, J. B. Larner, W. McK. Clayton, J. T. Lloyd, Paul E. Lesh, and Theodore W. Noyes, ex-officio.

CONSTITUENT ORGANIZATIONS.

The organizations represented in the Citizens' Joint Committee on National Representation for the District of Columbia are as follows:

Board of trade (2,500 members).

Chamber of commerce (1,400 members).

Federation of Citizens' Associations, representing 38 sectional citizens' associations, as follows:

Anacostia, Benning, Brightwood, Brookland, Cathedral Heights, Central, Chevy Chase, Chillum Castle-Woodburn, Cleveland Park, School Community, Columbia

Heights, Conduit Road, Connecticut Avenue, Congress Heights, Georgetown, Kalorama, Kenilworth, Lincoln Park, Mid City, Mount Pleasant, North Capitol and Eckington, North Washington, Northwest Suburban, Park View, Petworth, Piney Branch, Rhode Island Avenue Suburban, Randle Highlands, Sixteenth Street Highlands, Sixteenth Street Heights, South Washington, Southeast, Stanton Park, Takoma Park, Trinidad, West End, Washington Civic Association, Washington Society of Fine Arts, American Institute of Fine Arts, Arts Club of Washington, District of Columbia Society of Architects, Society of Natives. These associations cover nearly the entire District, with an aggregate membership (estimated) of 20,000. Many of these sectional associations have, in addition to participation through the federation, separately indorsed District national representation through a consittutional amendment and have appointed cooperating campaign committees.

Central Labor Union, representing 90 local unions and 7 local auxiliaries, with aggregate membership (estimated) of 85,000.

Merchants' and Manufacturers' Association.

Monday Evening Club.

Bar Association.

The suffrage group of the City Club.

Association of Oldest Inhabitants.

District Delegate Association.

Citizens' associations not represented in the federation, including East Washington, Northeast Washington, and Southwest Citizens' Associations.

Washington Real Estate Board of the District of Columbia.

Advertising Club of Washington.

Woman's Bar Association.

Manual Training Teachers' Association.

Twentieth Century Club.

COOPERATING ORGANIZATIONS.

The American Federation of Labor.

The Woman's City Club.

Federation of Women's Clubs.

The local branch of the National American Woman's Suffrage Association.

The Anthony League.

Washington section of the Progressive Education Association.

District of Columbia Congress of Mothers' and Parent and Teachers' Association.

The Men's Club of Mount Pleasant Congregational Church.

And others.

Mr. NOYES. It is suggested that the passage of our constitutional amendment is difficult, almost impossible to secure, and that consequently it will wisely be put aside in order that we may strive to secure something easier to get, even if of less value.

Now, my text is that it ought to be easier to get two-thirds of Congress to approve our proposition than a majority to approve any other pending proposal, for these reasons:

First. Because we ask at this time merely that Congress shall be given a new constitutional power, without committing Congress as to when or how it shall exercise this power. We ask two-thirds of Congress to vote to give a majority of Congress a new power which harmonizes with and equitably rounds out the existing constitutional powers of Congress. No good reason can be assigned why Congress should not unanimously approve this proposal to enlarge on logical, wholesome lines its own powers.

Second. Because Congress, if and when in the future it shall exercise this power, will deservedly bestow upon the Americans of the District the highest privilege, right, and power of American national citizenship and will relieve the Nation of the shame of un-American, totally nonrepresentative government in the Capital City under the Nation's exclusive control, without disturbing in the least that exclusive control; without creating a new State; without altering the form of local municipal government; and without the surrender by Congress of a single power in respect to the Capital which it now possesses.

We propose amendment of the Constitution of the United States by inserting at the end of section 3, Article IV, the following words:

"The Congress shall have power to admit to the status of citizens of a State the residents of the District constituting the seat of the Government of the United States, created by Article I, section 8, for the purpose of representation in the Congress and among the electors of President and Vice President, and for the purpose of suing and

being sued in the courts of the United States under the provisions of Article III, section 2.

“When the Congress shall exercise this power the residents of such District shall be entitled to elect one or two Senators, as determined by the Congress, Representatives in the House, according to their numbers as determined by the decennial enumeration, and presidential electors equal in number to their aggregate representation in the House and Senate.

“The Congress shall provide by law the qualification of voters and the time and manner of choosing the Senator or Senators, the Representative or Representatives, and the electors herein authorized.

“The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing power.”

This provision, empowering Congress to grant national representation to the residents of the seat of government, in respect to whom it has already the power to exercise exclusive legislation, is appropriately inserted at the end of section 3, Article IV, which is the section that gives Congress the power to admit new States and to make all needful regulations respecting the territory belonging to the United States, from which these new States are carved. It is under this section that new Senators, Representatives, and Territorial Delegates come to the Capitol. The three political subdivisions of the United States under the Constitution are (1) States, (2) Territories—that is, incipient States—and (3) the District constituting the seat of government of the United States.

Now, the Constitution as it stands either gives or empowers Congress to give national representation to the first two of these parts; that is, the States and the Territory or incipient States; in fact, to the whole area of the Republic, except the seat of government. When our amendment is ratified this section will be rounded out and perfected, and the power of Congress to grant national representation will be equitably extended to all three of the parts into which the United States was in the beginning thus in effect divided.

We have shown to you that the District, with its 437,000 Americans, intelligent, public spirited, patriotic, is the only area in the contiguous and continental United States which is without national representation, and which does not participate in the National Government. We now emphasize the fact that this District, the District of the kind that I have described, is the only area in the whole expanse of the Republic to which Congress can not extend the right of national representation. Our amendment corrects Congress' lack of power. It does not correct the District's lack of power. It empowers Congress to grant this national representation, but does not direct it or fix any time limitation within which the power must be exercised.

Now, our frankly-avowed purpose in this proposition is to secure quick Congressional action upon a constitutional amendment which can run successfully the gauntlet of the requirement of a two-thirds vote of Congress, and at the same time constitute a practical and substantial advance toward the goal of real national representation for the District.

Our amendment does not give national representation directly and immediately to Washingtonians, but it takes that vital privilege out of inaccessibility and places it within reach. After its adoption a mere majority vote of Congress will do this equity, whereas, now a two-thirds vote of Congress and a three-fourths vote of the State legislatures are required.

We emphasize the fact that the only effect of our amendment is to remedy an acknowledged evil and to do equity by declaring the political and judicial status of the residents of the District.

All of the controverted issues concerning the makeup of the local electorate, and the qualifications of voters, about which much has been said during these hearings—all these controverted issues are postponed, to be determined by the majority vote of Congress after the great and vital question of the constitutional status of the Washingtonian has been answered.

Our proposition is so stripped of every strife-breeding feature, and is so centered upon a single principle of undeniable equity, that it is backed by the support of nearly all of organized Washington, including organizations which differ and wrangle bitterly over almost every other question affecting the form of District government: and its appeal to Congress is for the same reason so strong that, as I have indicated, it ought to obtain more easily a two-thirds vote than any of the controverted issues can gain the assent of a mere majority.

The effect of our amendment is to fix the political status of the District, not as a State, not as an ordinary Territory, but as territory with national representation though under the exclusive control of Congress; and to lay down the principle that exclusive control of this District by the Nation is not inconsistent with voting partici-

pation by District residents in the National Government which is to exercise that exclusive control.

Our proposition thus involves two steps: First, the adoption of the constitutional amendment giving a new power to Congress; second, after the amendment has been ratified, the exercise of that power by Congress, in the discretion of Congress as to time, not giving statehood or the territorial status to the District when exercised, but creating for the District a unique political status, in that it will be under the exclusive control of Congress and have representation in Congress and the electoral college and access to the Federal courts—and no other powers and privileges of the full-fledged State.

All that we ask now of the Senate and House is that by a two-thirds vote—it ought, as I said, to be unanimous—they give themselves a new power, to wit, the power of admitting to voting representation in Congress and the electoral college the residents of the District—a power which, with greater scope, they already possess in regard to every foot of other territory belonging to the United States.

Why should any Congressman vote against giving Congress this new power? The power asked is not to commit a crime or a misdemeanor or to do an injury, but to extend an equitable American right, and to harmonize and reconcile two great American principles—first, the principle that in our representative republic, subject to limitations and conditions uniformly applied, all national Americans ought to have the opportunity to participate in the National Government which taxes them, makes laws for them, and sends them and their sons to war; and second, the principle laid down by the forefathers as a national necessity that the Nation through Congress should have exclusive control of the Nation's Capital.

We have tried to convince you that the District of to-day, with its 437,000 Americans, is in resources, population, intelligence, and patriotic Americanism, so well equipped that if Congress had now the power which we ask for it to grant District national representation, it could safely and wisely exercise that power at once.

But assuming that there are some Senators or some Representatives who are not yet convinced, who are not entirely satisfied that in resources and in population the District is to-day fully fit for national representation, they ought not on that account to vote against our amendment, for it is to be noted that they are not asked in voting for the amendment to declare that the District is now fit for such representation, but only that they empower themselves to grant such representation when in their judgment the District has become thus fitted.

And so I say that to deny or vote against our amendment is to declare not merely that the District is not now fit for representation, but that the defective and delinquent residents of the District will never become thus fitted, though the District multiply its resources and a population of a million or more be collected in it.

To vote for this amendment commits Congress to nothing. To vote against this amendment is a denial of the possibility of District representation, even though the District attain the resources and population and the other requisites of statehood which make it surpass a dozen of the States.

So even those who doubt whether the District will ever be fit for national representation should not vote against this amendment. Give the District a sporting, fighting, American chance at national representation. In our Republic majorities govern. Amend the Constitution so that a majority of Congress may, if it wishes, in the future, when it is convinced of the fitness of the District, give national representation to District residents. Give the people of the seat of Government the same possibility of national representation that Hawaii and Alaska now possess.

Why should any Senator or Representative vote against an amendment which merely enlarges an existing power of Congress on equitable and wholesome lines, and which simply empowers Congress to remedy a political inequity whenever, if ever, it is disposed to do so? Why should Congress oppose the grant to itself of any new constitutional power with which those affected are ready to trust it? Surely Congress does not mistrust itself.

The objections to our amendment, when analyzed, are almost invariably discovered to be attacks upon some nonexistent, imaginary evil which the amendment has carefully avoided.

An antagonist who opposes the amendment on the ground that Washington has now the best municipal government of all American cities, which should not be overthrown, either in the national or the local interest, and who scoffs at the thought that the nation should transfer its control over the District to Washington residents, white and colored, transient, semitransient or permanent, simply sets up and then tears down a man of straw of his own construction. His attack does not touch our amendment at all. His argument, like the flowers that bloom in the spring, has nothing to do with the case.

For our amendment empowering Congress to grant national representation does not touch in any respect the municipal local government, and does not transfer an atom of power or control over the District from the Nation to District residents or anybody else. The effect of the amendment, as I have attempted to show, is to add a new power to Congress and not to subtract a particle from any which Congress now possesses. The District is not striving to wrest anything from Congress or to reduce its power. The District would magnify and increase the powers of Congress, for what it seeks is representation in that Congress, what it seeks is to become a part of the Nation politically, its present status being that of political alien.

Then, there is the man who opposes our amendment on the ground that it proposes statehood for the District. This attack is the most discouraging of all, because it ignores completely the infinite pains that the framers of the amendment have taken to avoid the slightest disturbance of that national control of the Federal district which District statehood would absolutely destroy.

There are two ways of doing away with the evil of nonrepresentative government in the District. First, repeal the exclusive legislation clause of the Constitution, and then either grant statehood to the District or retrocede it to Maryland; or, second, retain the exclusive legislation provision, and make consistent with that exclusive national control a grant of national representation to the people of the District. And that is what is done, of course, by our amendment. To grant to District residents certain expressly enumerated powers of statehood, of course, impliedly denies to them all other powers of statehood. The fact that statehood is not proposed is emphasized by the provision of our amendment which gives to Congress in its discretion the power to limit the District's representation in the Senate to one.

Not a new State, but a new political status is to be created or evolved. Our amendment, instead of destroying the 10 miles square provision, is supplemental to it, empowering Congress to define explicitly, in view of the changes of more than a century, the political and judicial status of the District. The law of congressional representation and of Electoral College representation is altered. A new American voting constituency is created, controlled exclusively by Congress, yet with representation in that Congress and in the Electoral College; not a new State, not an ordinary Territory, but a politically uplifted District of Columbia, an enfranchised seat of government, already created and made unique by the Constitution. This new factor in our scheme of national government representation may be peculiar, unusual, extraordinary; but it is not so peculiar, so unusual, or so extraordinary as the original creation and present-day retention by the great representative Republic of an unrepresented seat of government, a totally unrepresented area at its very heart, physically within the United States, even containing its capital, but politically outside of the United States.

The States uniting under the Constitution had the power, which they exercised, of creating this unique, unrepresented, capital-containing, Nation-controlled district. Two-thirds of Congress and three-fourths of the States have similar power to-day, which they ought to exercise, and which we appeal to them to exercise, to give to the 437,000 Americans in this unique political district an equally unique political status.

Another hostile question asked is: "Why are you not satisfied with the Territorial status that is offered you?"

Senator SHEPPARD. Is there any bill pending which offers that status?

Mr. NOYES. The voteless Delegate bill has been advocated as giving us the Territorial status, and that reproach has been directed to those who are not content with it. I don't mean that my friends here have voiced that reproach because they, of course, as we all do, understand the exact situation and exact relation of the two measures.

Mr. CLAYTON. As far as we go in urging the Delegate bill is simply the Delegate. We don't go beyond that and set up any form of government here; simply that a Delegate may be elected.

Mr. NOYES. None of the other pending bills offers the District a Territorial status. Our amendment does offer one important privilege or power that belongs to a Territory, to wit, the power through a majority vote in Congress to get voting representation in Congress and in the Electoral College.

Senator SHEPPARD. That was the point I wanted to bring out. The mere fact that the bill permits a Delegate does not give you the Territorial status.

Mr. NOYES. No. My suggestion is that our constitutional amendment is the only proposition that will give us anything worth while in the way of Territorial rights and privileges. The pending bills give no particle of participation in local self-government such as attaches to Territorial legislatures, and no promise of future participation in the National Government, such as attaches to the Territory in relation to admission by Congress to statehood.

We have been assured in both House and Senate that if only Washington would unite in asking for something in the line of political equity it would be granted. Organized Washington does ask practically as a unit for the adoption of the constitutional amendment, and this is the only political project in respect to which it speaks with a united voice. It was conceded by members of the House Judiciary Committee that this unity of sentiment was demonstrated at our hearing before that committee last January.

At this hearing nearly all of the civic organizations of Washington cooperated to urge the adoption of this constitutional amendment. A large majority of them combined to constitute the Citizens' Joint Committee on National Representation for the District, which I have the honor to represent. Most of them signed through officers and special committees an identical petition, and accompanied submission of these petitions by vigorous and effective advocacy of the constitutional amendment through eloquent spokesmen. For example, E. C. Brandenburg spoke for the Board of Trade; Chapin Brown for the Chamber of Commerce; C. J. Columbus for the Merchants & Manufacturers Association; Jesse C. Suter for the Federation of Citizens' Associations, the Society of Natives and the Takoma Park Citizens' Association; John W. Colpoys for the Central Labor Union; Mrs. George A. Ricker for the District Federation of Women's Clubs; Mrs. Mabel G. Swornstedt for the Twentieth Century Club; Miss Mary O'Toole for the Women's City Club, and as representative of Mrs. Carrie Chapman Catt, president of the National American Woman Suffrage Association, who wrote a letter strongly advocating adoption of the amendment; Mrs. Anna Hendley and Miss Janet Richards for the Women's City Club; Mrs. Nannette B. Paul for the Anthony League; Miss Elizabeth Hayden for the Columbia Heights Citizens' Association; Paul E. Lesh for the civic group of the City Club; Washington Topham for the Association of Oldest Inhabitants; Selden M. Ely for the Monday Evening Club; Winfield Jones for the National Press Committee; Mrs. Mary Wright Johnson for the Housekeepers' Alliance; J. Walter Mitchell for the Army and Navy Union; Charles T. Clayton for the Columbia Heights Citizens' Association; and petitions were filed without oral comment by W. T. Galliher, E. F. Colladay, R. N. Harper, and R. P. Andrews, a subcommittee of the Joint Committee on District Political Organizations; and by the Washington section of the Progressive Education Association; by the Congress of Mothers and Parent-Teachers' Association; by the Men's Club of Mt. Pleasant Congregational Church; by the Women's Bar Association of the District, and by the Washington Real Estate Board. Representative S. E. Burroughs had charge of the hearing and H. B. F. Macfarland and I spoke for the Citizens' Joint Committee and submitted an elaborate brief.

Our hearing demonstrated conclusively that organized Washington wants national representation through adoption of the pending constitutional amendment.

This wonderful unity of organized sentiment in Washington has developed since 1916, when the first congressional hearing upon our constitutional amendment was held by a subcommittee of the Senate District Committee. At this hearing, five years ago, only one large civic organization, the chamber of commerce, appeared to advocate adoption of the amendment.

If there is any thought that support of our constitutional amendment by any of the above list of its champions is perfunctory, the matter can be tested by summoning or inviting these men and women to appear to speak for themselves at this hearing. They would respond, I am sure, with enthusiasm.

In 1916, as spokesman for the chamber of commerce, I argued before a subcommittee of the Senate District Committee of that Congress in advocacy of our District national representation constitutional amendment. I ask permission to submit that argument, without reading, to be printed in the record.

Senator SHEPPARD. That will be done.

(The document referred to is here printed in full, as follows:)

ARGUMENT OF THEODORE W. NOYES BEFORE SENATE DISTRICT SUBCOMMITTEE
FEBRUARY 24, 1916.

The constitutional amendment which we favor does not propose the admission of the District of Columbia into the Union as a sovereign State; it does not propose the destruction of the "10 miles square" provision of the Constitution; it does not lessen in the smallest degree the control by the Nation through Congress of what remains of the "10 miles square."

It does not disturb in any way the financial relation of Nation and capital. It is not based upon either the abolition or the retention of the half-and-half law.

It is not complicated with changes in the municipal government of the District. In respect to such propositions of change Washingtonians widely and radically differ.

On the question of the speedy enactment of this constitutional amendment I believe that nearly all Washingtonians agree. The fear that Congress will not act quickly upon it and that the justice which it proposes will be long postponed moderates local enthusiasm in respect to it.

This constitutional amendment assumes that the Nation will continue to control its capital through Congress, and asserts that the time has come when the people of the capital should be represented in that Congress. The 10 miles square provision of the Constitution set up a peculiar political entity, not a State, not a Territory, under the exclusive control of the Nation. This amendment is supplementary to the 10 miles square provision. It says, in effect, that after a century of increase and development the Americans collected in the 10 miles square, entitled at all times to every American right and privilege consistent with continued national control of the capital, are now entitled to representation in the National Government.

It makes Americans of a community of 350,000 people who now politically are aliens. It naturalizes for the purpose of representation in the National Government a city slightly larger than Minneapolis and slightly smaller than New Orleans.

The constitutional provision establishing the 10 miles square is responsible for the monstrous paradox of unrepresentative government at the capital of the great Republic. This simple constitutional amendment which we propose will correct it.

We are confident that the people of the United States, outside of the District of Columbia, will not confess impotency to make Americans for the purpose of national representation of the residents of the National Capital. Before the joint fiscal committee I submitted a table which showed that every nation in the world except the United States gave to the people of its capital the same national representation as that enjoyed by the people of other cities. Republics like Argentina, Brazil, and Mexico, which have copied our Constitution, including the establishment of the National Capital in a nation controlled district, have, as a matter of course, given the people of these Federal districts full representation in the National Government. Is the United States impotent where these republics are strong? Is the great Republic less democratic, less republican, less consistent in devotion to the principles of representative government than Argentina, Brazil, and Mexico?

The District should be given voting representation in Congress and the electoral college as a nonsovereign State. Its residents should, like other Americans, have the status of citizens of a State for the purpose of this representation only. The Nation, through Congress, should retain its constitutional power of exclusive legislation over the national district.

If a constitutional amendment is unique which gives to the capital community some but not all of the rights of citizens of a State, the constitutional provision concerning the 10 miles square, to which it is supplementary, is even more startlingly unique. It is more un-American to deprive a body of Americans of all political and representative rights than it is to deprive them of a part of such rights.

The Americans residing in the District should enjoy every American right and privilege not inconsistent with exclusive national control of the capital through Congress. Full representation of the District in Congress is obviously consistent with exclusive control of the District by Congress. Such representation is not only consistent, but is clearly equitable and in harmony with American principles of government.

NO UNNECESSARY SACRIFICES.

To impose upon the Washingtonian hurtful discriminations in respect to his status before the national courts clearly involves an unnecessary sacrifice on his part.

Chief Justice John Marshall's treatment of the District of Columbia when the alleged rights of its citizens came in conflict with some claim of national power develops vividly these judicial discriminations.

In *Hepburn & Dundas v. Ellzey* (2 Cranch, 445) Marshall held that the District was a State in the signification of that term in international law, but not in the sense of the Constitution, and that its citizens could not bring suit as citizens of a State in United States courts. In *Loughborough v. Blake* (5 Wheaton, 317) he decided that Congress has the constitutional power to impose direct taxes upon the unrepresented District, notwithstanding the words of the Constitution coupling representation and direct taxation, and notwithstanding "the principle asserted in our revolution that representation is inseparable from taxation."

John Marshall's Supreme Court treated the District as a State when taxes were imposed, but not a State when representatives were apportioned, though the Constitution apparently couples the two things. It was declared not to be a State whose citizens can bring suit in the United States courts, though the Supreme Court at a later date announced it in the very spirit of Marshall's reasoning "a State of the Union"

under a treaty with France conferring privileges on aliens. (*Geofroy v. Riggs*, 133 U. S., 258.) In short, the District is a State when burdens are imposed and not a State when privileges are distributed.

Marshall recognizes deprecatingly the injustice and inconsistency which on grounds of national necessity the Supreme Court, through him, dealt out to the District of Columbia. "It is," he says in *Hepburn & Dundas v. Ellzey*, "extraordinary that the courts of the United States, which are open to aliens and to the citizens of every State in the Union, should be closed upon them (District citizens)." And in *Loughborough v. Blake*, he says:

"Although in theory it might be more congenial to the spirit of our institutions to admit a representative from the District, it may be doubted whether in fact its interests would be rendered thereby more secure; and certainly the Constitution does not consider their want of a representative in Congress as exempting it from equal taxation."

The Washingtonian needs access on equal terms with other Americans to the Federal courts—the same right to sue in a Federal court as that enjoyed by the citizens of a State. * * *

It is no longer a hopeless task to attempt amendment of the Constitution except as the aftermath of civil war. It has recently been twice amended in quick succession.

This constitutional amendment which I urge was first suggested in substance by A. B. Woodward in 1801.

Mr. CHAPIN BROWN. He was not a Member of Congress?

Mr. NOYES. No; he was not a Member of Congress.

It was advocated by me in *The Star* in 1888, was proposed formally in Congress by Senator Blair in 1888 and in 1889, and subsequently was ably championed by him. It was renewed with verbal modifications by Senator Gallinger in later years, and is now in substance pushed by the special suffrage committee of the Chamber of Commerce and by other organizations of Washingtonians.

In this year of our Lord 1916 genuine American representation for the District means representation on the lines of a State and not on the lines of a Territory. Until 1880 the District was entitled by its population only to treatment as a Territory.

The demand by Washington for Territorial representation in Jackson's time, and the Territorial representation granted it in the seventies of the last century measured up fully to the requirements of equity. No more could then be fairly asked or given. But since 1880, or certainly since 1890, the District has had the population which entitles it to voting representation in Congress. And its representation by a voteless Territorial delegate in 1916 would be as much an anachronism as full voting representation in Congress under A. B. Woodward's constitutional amendment would have been in 1801.

Our proposed legislation destroys nothing, disturbs nothing, repeals nothing. It is supplementary to existing law, adapting the latter better to the conditions and needs of to-day. It is thoroughly constructive. It is not in the smallest particular destructive.

It leaves undisturbed and confirms the national control of the nation's city and the corresponding national obligation of adequate financial participation in the maintenance and upbuilding of the National Capital. The "organic" act of 1878 and the exclusive-legislation clause of the Constitution are alike untouched.

It makes American citizens of the people of this community, giving them effective representation in Congress, their local and national legislature, which may deprive them of their property by taxation and of life or limb by sending them to war. Such representation is not inconsistent with the exclusive power of legislation concerning the District possessed by Congress. On the contrary, such representation is the more essential since Congress is not only Washington's national legislature, but its municipal and State legislature.

Senator HOLLIS. Can you state how many States there are in the Union with less population than the District of Columbia?

Mr. NOYES. There are six (census, 1910).

FULL REPRESENTATION IN NATIONAL GOVERNMENT THE VITAL PRIVILEGE.

The genuine American political birthright is not municipal self-government, but national representation through a Delegate in Congress when in the Territorial stage of development and through Senators and Representatives when the population, educational standards, and resources of a State have been attained.

* * * * *

The right to vote in the municipal government was possessed by Washington until 1871, when a Territorial form of government was established with the voting privilege

in respect to one branch of the local legislature, and for a voteless Delegate in Congress. Since 1874 no voting for any part of the local government and no representation in the National Government have been enjoyed.

The limited privilege of voting for some or all of the branches of a municipal government operating by suffrage of Congress, though enjoyed from 1800 to 1874, was not viewed as constituting in the smallest degree the American political birthright.

As we have seen, the un-American disfranchisement of the people of the Capital, meaning thereby their exclusion from national representation, was complained of as a grievance from 1800, and from the time of the occupation of the city by the Nation in that year. It was even then proposed that the Constitution should be amended to permit the District to have one Senator and one Representative.

Washington was in existence only a few months when its residents began to bemoan their prospective disfranchisement, their exclusion from participation in national elections. In a pamphlet concerning the "Government of the Territory of Columbia," published in 1801 by A. B. Woodward, it is said:

"This body of people is as much entitled to the enjoyment of the rights of citizenship as any other part of the people of the United States. There can exist no necessity for their disfranchisement, no necessity for them to repose on the mere generosity of their countrymen to be protected from tyranny; to mere spontaneous attention for the regulation of their interests. They are entitled to a participation in the general councils on the principles of equity and reciprocity."

And a constitutional amendment was urged giving the District one Senator as well as representation in the House. From the beginning of the century, too, Members of Congress who have viewed the condition of the Capital with other emotions than that of indifference have either "felt their hearts bleed" over the enslaved condition of the people or have denounced the disfranchised as selling their republican birthright for a mess of pottage.

In a debate in the House, December, 1800, Representative Smilie said:

"Not a man in the District would be represented in the Government, whereas every man who contributed to the support of a government ought to be represented in it; otherwise his natural rights were subverted and he was left not a citizen but a slave. It was a right which this country, when under subjection to Great Britain, thought worth making a resolute struggle for and evinced a determination to perish rather than not enjoy."

In 1803 the "unrepublican" condition of the District was again a matter of comment, and it was proposed to recede to Maryland and Virginia jurisdiction over the parts of the District originally ceded by them. John Randolph, jr., in February of that year, said in the House:

"I could wish, indeed, to see the people within this District restored to their rights. This species of government is an experiment how far freemen can be reconciled to live without rights; an experiment dangerous to the liberties of these States. But inasmuch as it had been already made, inasmuch as I was not accessory to it, and at some future time its deleterious effects may be arrested, I am disposed to vote against the resolution."

A proposition to recede the Territory of Columbia outside of the limits of Washington caused Representative Clark to say, in 1805, that he spoke of the inhabitants whenever he had occasion to allude to them with pity and compassion, and he most devoutly wished to see them placed in a condition more congenial to his own feelings and the feelings of every true lover of civil and political freedom. Alexandria was retroceded in 1846, her "galling disfranchisement" being referred to in debate. Georgetown had sought retrocession in 1838, but unsuccessfully.

During all these years Washington as well as Georgetown and Alexandria had been voting in their respective municipal governments.

VIEWS OF THE PRESIDENTS.

The first President to discuss formally the political status of the District was Monroe, who, in his message of 1818, said:

"By the Constitution the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislates in all cases directly on the local concerns of the District. As this is a departure for a special purpose from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure."

Thus in 1818 President Monroe suggested as alternatives either a separate legislature for the District or some device under which the District should be represented in Congress.

In 1818 Washington, Georgetown, and Alexandria were enjoying, by grace of Congress, municipal "self-government." Washington, for instance, elected city councils, who elected a mayor. Nonparticipation by the people in the congressional power of exclusive legislation was the "departure from the general principles" of the American system, of which Monroe suggested a correction.

Andrew Jackson was the first President to urge specifically the election by the District of a Territorial Delegate in Congress. He made this recommendation in 1830, and repeated and enlarged it in 1831 and 1835. In 1831 he said:

"It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government. But to accomplish the objects they had in view it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the Representatives of distant States to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually nor in Congress collectively well qualified to legislate over the local concerns of this District. Consequently its interests are much neglected and the people are almost afraid to present their grievances lest a body in which they are not represented, and which feels little sympathy in their local relations, should in its attempt to make laws for them do more harm than good. * * * Is it not just to allow them at least a Delegate to Congress if not a local legislature to make laws for the District subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution."

President William Henry Harrison in 1841 discussed the political status of the District sympathetically and earnestly, saying:

"Are there indeed citizens of any of our States who have dreamed of their subjects in the District of Columbia? Such dreams can never be realized by any agency of mine. The people of the District of Columbia are not the subjects of the people of the United States, but free American citizens. Being in the latter condition when the Constitution was formed, no words used in that instrument could have been intended to deprive them of that character. * * * The grant to Congress of exclusive jurisdiction in the District of Columbia can be interpreted so far as respects the aggregate people of the United States as meaning nothing more than to allow to Congress the controlling power necessary to accord a free and safe exercise of the functions assigned to the General Government by the Constitution. In all other respects the legislation of Congress should be adapted to their peculiar position and wants and be conformable with their deliberate opinions of their own interests."

President Andrew Johnson repeated in 1866 Jackson's recommendation of a Territorial Delegate in Congress, saying:

"Our fellow citizens residing in the District, whose interests are thus confided to the special guardianship of Congress, exceed in number the population of several of our Territories, and no just reason is perceived why a Delegate of their choice should not be admitted to a seat in the House of Representatives. No move seems so appropriate and effectual of enabling them to make known their peculiar condition and wants and of securing the local legislation adapted to them. I therefore recommend the passage of a law authorizing the electors of the District of Columbia to choose a Delegate, to be allowed the same rights and privileges as a Delegate representing a Territory."

Until 1880 Washington had only Territorial population and resources, and its equitable demand of national representation was only for a voteless Territorial Delegate. Since 1880 it has had the educated, intelligent population and the material resources of a State. Every argument which Jackson and Johnson made for a voteless Delegate for the District applies with undiminished force to-day to the demand of full representation in Senate, House, and Electoral College. If Jackson were President to-day, in the spirit of his demand of 1830 for a Territorial Delegate, he would obviously now urge full national representation of the District as a nonsovereign State.

READY TO AMEND CONSTITUTION.

Many of those who favored the exclusive jurisdiction of Congress over the District on the same grounds that caused such a District to be established were yet prepared to amend the Constitution when the proper time should come, in order to give the people of the capital a representative in Congress, the body which, in theory, constitutes their legislature. As early as December, 1800, Representative Dennis said:

“If it should be necessary the Constitution might be so altered as to give them a Delegate to the general legislature when their numbers should become sufficient.” A Territorial Delegate, which did not then exist, could not have been intended. The time suggested by Mr. Dennis seems to have now arrived. The difficulty of providing congressional representation for an isolated collection of people, insufficiently numerous in themselves to be entitled to a representative, is no longer to be met. The population of the District is increasing with extraordinary rapidity, and now exceeds 350,000. The census of 1880 was the first enumeration which showed it to have acquired a population that would entitle it to ask admission as a State if it were upon the footing of an ordinary Territory. The number of persons to be represented by each Member of the House of Representatives is, according to the last apportionment, 212,407. One representative in the House, and one, at least, in the Senate, should be granted the District.

This arrangement is found to be equitable when the population and growth of the several States are considered. The District, with 331,069 population, by the showing of the census of 1910, already surpassed in numbers Nevada, 81,875; Wyoming, 145,965; Delaware, 202,322; Arizona, 204,354; Idaho, 325,594; and New Mexico, 327,301. Vermont, 355,956, and Montana, 376,053, are in the same class with it, and New Hampshire, 430,572, and Rhode Island, 542,610 (with Vermont), will probably in the future be exceeded by it in population, in view of the comparative rate of increase and other considerations.

NATIONAL REPRESENTATION FOR DISTRICT.

Much of what I said in 1888 in a Star article concerning national representation for Washington is as applicable to-day as it was 28 years ago:

“Retaining exclusive jurisdiction, Congress may propose a constitutional amendment giving the District representation in the bodies which legislate for it and tax it, a voice as to the President, who is to appoint the commissioners to manage its local affairs, and, in general, except as to the privilege of choosing town or county officers, to place the residents of the District upon the same footing as the citizens of the several States. * * * The District would be placed in certain respects on a level with the States. Taxed like them, it would have, like them, a voice in the disposition of the general taxes. It would not, however, stand upon precisely the same footing with them, for the States are subordinated to the general Government only in certain defined particulars, whereas the District would be subordinate in all respects. This inferiority would be indicated, it has been suggested, by giving the District one instead of two Senators, and by a corresponding reduction in its electoral vote. Enjoying representation in Congress and participation in the choice of the President, who appoints local officers, Washington would resemble in its municipal government a city which, after voting for the governor and legislature of a State, is managed by a commission appointed by the former and approved by the latter. Under this plan the suggestions made in respect to the duty of Members of Congress as the exclusive legislators for the capital would still be applicable; the present financial arrangements between the District and the general Government would be maintained; the expensive transportation of office-holding voters to the States, from Maine to Florida and from New York to California, would, after the abolition of the office apportionment system, be avoided; the rights of the residents of the District as American citizens would be recognized in a manner which would inflict the smallest possible injury upon the interests of the city as capital of the United States, and this body of national territory with all its patriotic associations would be preserved to the Union.

* * * * *

“It is conceded that the best method by which Congress can regulate the capital as a city may vary somewhat in details, with altering circumstances, but there is no urgent present necessity for a change in this respect. The more important question is, shall not the people of the District, who now largely exceed the number of persons represented by each member of the House, be admitted to the Union as citizens of a quasi State and be granted representation in the national legislature and the privilege of voting for President? Without disputing for the present the proposition, proved absurd by experience, that they do not need, as citizens of the District, distinct representation in Congress as a local legislature, because they are represented in that capacity by all Senators and Representatives, do they not, as citizens of the United States, assembled in sufficient numbers in a limited space and paying national taxes, require representation in the body which imposes and disburses these taxes?

* * * * *

“While the asking and granting of these rights may be in various ways reasonably delayed, they can not be indefinitely postponed. Though representation in their

national and local legislature, which alone makes laws for them and taxes them, and may send every man of them to war to be wounded or killed, be denied to the 225,000 District residents of the present (1888), will the same denial be given to the half-million of the near future, or to the prospective million, toward which figure as a goal the District's population is pressing?"

THE PSYCHOLOGICAL MOMENT.

While this constitutional amendment should be adopted, whatever the financial relations of Nation and capital, this is obviously the psychological moment to push for national representation for the people of the District.

Readjustment of the relations of Nation and capital, as fixed by the law of 1878, is under consideration. The joint fiscal committee has reported in respect to the financial relation. The political and financial relations under the act of 1878 are inseparably intertwined. No readjustment of one is possible without affecting the other.

More consideration should be given to the people of Washington in respect to representation in any readjustment of the governmental relation fixed by the act of 1878.

In 1878 the District had not the population which each representative in the House represented, and was therefore not entitled to consideration as an applicant for quasi statehood. The Territorial government to which its population entitled it was destroyed by the organic act. To-day the District exceeds several of the States in population and in contributions to national taxes in time of peace and of soldiers above its quota in time of war.

In any readjustment of the organic act consideration should be given to the change in conditions in the local community, and this change should be reflected in a grant of full representation in Congress to the local community by an amendment of the Constitution, not interfering, however, with the supreme control of the District by Congress.

In deciding that the 100,000,000 of the Nation rather than the 350,000 of the District should control, govern and build up the capital, it is not necessary to eliminate all traces of Americanism from the Americans of the capital. Only the sacrifices absolutely essential to the national safety or the national interest should be demanded of them.

Many Presidents, including conspicuously Jackson and William Henry Harrison, have vigorously proclaimed this doctrine, I urge that you consider carefully in readjusting the relations of nation and local community the rights, the privileges and the interests of the latter. Clearly the Nation must control its capital, and just as clearly in exercising this control it must safeguard and satisfy every American right and privilege in the 350,000 Americans of the capital which is consistent with that control.

In developing the material capital of buildings, avenues, parks and trees and monuments, let us not efface from the calculation the people of Washington. If men, and not inanimate things, constitute the State, so men constitute the city.

The vital point of benefit in the organic act was the tardy recognition by the Nation of its capital obligation. This recognition was expressed both in its assumption of exercise of all governing functions and in its pledge of steady annual substantial municipal support in a minimum amount equal to the sum which it exacted in taxes from an unrepresented community. Both provisions together constitute the organic act. It is the financial provision of the organic act which is attacked and it is consequently that provision which is emphasized in defense. The political and financial provisions are coupled together; if one is disturbed a readjustment of both is in equity inevitable. Obligation is coupled with power, and unless Congress will simultaneously deal with the subject of governmental control and the political relation of nation and capital it may be that it should equitably leave unchanged the financial relation which in the act of 1878 is so coupled with it.

THE EXAMPLE OF OTHER NATIONS.

Every nation in the world except the United States gives to the people of its capital the same national representation that the people of its other cities enjoy. Even nations like Argentina, Brazil and Mexico, which have copied our constitutional provision of a national capital in a nation-controlled Federal district, have found no difficulty in giving full national representation to the people residing in these nation-controlled capitals. Are we alone as a Nation impotent to prevent the monstrous anomaly of a republican capital populated by people who are politically outside of the nation?

No other capital in the world, where any form of representative government prevails, lacks national representation. What population must Washington attain before it loses this discreditable distinction? Half a million? A million? Two millions?

The statements that I have made in respect to national representation of capitals are confirmed by a table submitted by me to the joint fiscal committee and printed in the report of the hearings.

I have a copy of that table here which I submit, and I will read the answers to the questions whether national representation is granted to the people of the capital in the three Republics which have, like the United States, nation-controlled capitals in Federal districts.

Mexico: Yes; by two senators and in the Chamber of Deputies by one representative for each 60,000 inhabitants.

Rio: Yes; by three senators elected for nine years and by 10 deputies elected for three years.

Buenos Aires: Yes; by two senators and by members of Chamber of Deputies, one for each 33,000 inhabitants.

Brazil and Argentina have followed the example of the United States in establishing Federal districts and national capitals distinct from the states and controlled in the last analysis by the nation. But Brazil and Argentina have improved upon our example by developing the relations of nation and capital on republican, democratic, and representative principles, and in accordance with the dictates of fairness and patriotic pride. In both Buenos Aires and Rio the people of the national capital have representation like other citizens in proportion to their numbers in the national Government. In both nations they participate, through a council, in the disposition of their municipal concerns. In both capitals the nation controls the municipality and through the national president appoints the chief executive official—a mayor with large powers.

Conceding that the Nation should continue to govern and control the capital through Congress, why should not the Americans in the District of Columbia be treated as a part of the Nation which is to exercise this exclusive control, and be permitted in proportion to their number representation in this Government which is to control them, to tax them, to send them to war, to dispose of their property and of their lives? The Americans in the District of Columbia constituting much more than the average number of Americans represented by each Member of Congress; living within well-defined geographical limits and possessed of more than the average of intelligence and good citizenship; paying all national taxes, direct and indirect, and responding to the Nation's call to arms in time of war, are entitled on general principles to representation in the National Legislature, and would enjoy it if this legislature were not also their exclusive local or municipal legislature. This fact, instead of barring them from representation, ought to be viewed as giving them a double right to such representation. Of all Americans they would seem to be most entitled to representation in a legislature which is their own nationally to the same extent as in the case of all other Americans, and which is in addition their exclusive state legislature, their board of aldermen, and common council. * * * What possible injury can the Nation suffer from permitting this American representation? What possible plausible excuse can be devised for denying it?

I have indicated my belief that the South American Republics, while excelling as city builders, are deficient in practical appreciation of the true principles of representative government. May they not, on the basis of our handling of the problem of representation in the National Government for the District of Columbia, turn the tables on us and suggest that in this matter we betray that we have no real appreciation of those principles ourselves?

NO CONSTITUTIONAL PROHIBITION.

It is easy to magnify unduly the shock to the Constitution caused by the proposition of a nonsovereign State. The real shock is so much less than that imagined that it is possible to conceive the admission of such a State without any amendment of the Constitution at all.

The Constitution does not explicitly prohibit the existence of a State with genuine voting representation in Congress which lacks some of the attributes of a sovereign State. It is not declared that all the American communities represented as "States" in Congress must be on precisely the same footing and be shaped in identically the same mold. Perfect equality of the States is doubtless assumed in the Constitution as it now stands. It is provided, however, that no State shall without its consent be deprived of its equal suffrage in the Senate. Does not this provision imply that a

State may with its consent be deprived of its equal suffrage in the Senate; for instance, that the District as a new State for purposes of representation may consent to unequal representation in the Senate, as, for example, representation by one Senator instead of two? And if a State may with its consent lack the important attribute of equality of representation in the Senate, may it not also with its consent lack some other attributes of a sovereign State and still exist as a "State" under the constitutional provisions in regard to congressional representation?

Under the power to admit new States Congress has given a certain representation in the National Legislature to Territories, embryo States not recognized at all by the Constitution in prescribing the make-up of Congress. It would seem that under this provision concerning the admission of new States, coupled with the power to regulate territory belonging to the United States and with the power in each House to judge the qualifications of its own members, Congress could admit to representation in itself a nonsovereign State, intermediate between the Territory and the full-fledged State. The constitutional provision that no State may, without its consent, be deprived of equal representation in the Senate suggests that with its consent a State could be deprived of equal representation in the Senate, and that a State could with its own consent exist which was not on an equal footing in representation with the other States. If this inference is justifiable a constitutional amendment might not be necessary to admit the District as a nonsovereign State of the Union with representation according to its population in the House and with one instead of two senators, accentuating the fact that it is not on the same plane in all respects with the other States. Under this arrangement the nation, through Congress, would retain exclusive power of legislation over the District and the District would merely secure representation in the body which governed it. If Congress can grant to a rudimentary State limited representation in one of its branches, can it not grant to a quasi State of a higher grade full representation in both of its branches without granting to it all the powers on other lines of a sovereign State? Having the power to bestow all the rights and privileges of a sovereign State, may it not bestow less than all? Does not the greater power include the less?

The power of exclusive legislation in the ten miles square given to Congress by the Constitution prohibits the evolution of the District into a sovereign State. While this constitutional provision is in force the District as a State could not have all the self-governing and independent powers of Maryland or Virginia. But could it not be treated as a State without amendment of the Constitution, so far as representation in the National Legislature, its own exclusive legislature, is concerned?

Could not Congress under its power to admit new States so legislate that the word "State" as it occurs in certain sections of the Constitution shall include the District? The courts have already viewed the District as a State for some purposes. It has been pronounced a State under a treaty with France, a construction conferring privileges on aliens; but, not a State whose people can sue as citizens of a State in the Federal courts. The District is a State when direct taxes are to be collected, but not a State when representatives are apportioned, though the Constitution couples the two things. "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers." Direct taxes, but not representatives, have been apportioned to the District. Could not Congress so far admit the District as a State that it shall sometimes be a State when American privileges are bestowed, and not be viewed as a State only when burdens are imposed?

These questions are, however, purely speculative.

If the constitutional provisions, taken together, prevent the admission to the Union of a nonsovereign State merely by act of Congress, these constitutional obstacles can, of course, be removed by amendment of the Constitution itself. On the assumption that a change in the organic law of the nation is essential to accomplish that for which we petition, we are now asking for this very constitutional amendment.

The effect of this amendment is not to admit the District into the Union as a State, but to give to the 350,000 Americans residing in the "10 miles square" under the exclusive control of Congress the same representation as citizens of a State in Congress and the electoral college.

Not a new State, but a new political status is created or evolved. This amendment operates as a supplement of the 10-mile-square provision, defining explicitly in view of the changes of more than a century the political status of the residents of the Federal District. It alters the existing law of congressional and electoral college representation and creates a new American constituency with representation in Congress and the electoral college; not a new State, but a politically uplifted District of Columbia, an enfranchised 10 miles square, already created and made unique by the Constitution. This new factor in our scheme of national government representa-

tion may be unusual, peculiar, extraordinary, but it is not so unusual, peculiar and extraordinary as the original creation and present-day retention by the great republic of the totally unrepresented 10 miles square, a district physically within the United States, even containing its capital, but politically outside of the United States.

The States uniting under the Constitution had the power which they exercised of creating this unique unrepresented capital-containing, nation-controlled District. Two-thirds of Congress and three-fourths of the States have the same power, which they should exercise, to give to the 350,000 people of this unique District an equally unique political status.

POLITICAL STATUS NOT UNCHANGEABLE.

The problem of a square deal, politically, for Washingtonians is not solved by the arbitrary dictum that their status is unchangeable, that their political impotency is incurable, that their voteless un-American condition was voluntarily accepted by them more than a century ago, and is not, therefore, through all eternity to become at any time a reasonable subject of complaint. The century-old surrender of the American birthright of national representation was only for a time and not for all time.

Are we prohibited from contemplating changes in the political status of the Washingtonian? Are we forbidden to consider what that status should be in future by the authoritative declaration that the Washingtonian's condition was unalterably fixed at the beginning of the republic by the 10-mile-square provision of the Constitution, and that what he was after the Maryland cession he is now and ever shall be?

We are told that this is so: (1) That this provision of the Constitution is in some unexplained fashion not subject to amendment, but is fixed and unalterable, like the laws of the Medes and Persians; (2) that this provision means that the Washingtonian can never exercise any American rights which he did not possess just after the city was born, and that these rights are the right to petition and to emigrate, to supplicate or evacuate, to beg or get out, these being also the alternatives submitted by a Castro or a Zelaya to his subjects; and that (3) when he became a Washingtonian, whether by birth or by railroad or other transportation agency, he did so with full notice that the Washingtonians of over a century ago had bound him irrevocably to this status with its disabilities, and that by being born here or railroaded into the city he accepts these disabilities as perpetual.

All these assumptions are unsound: (1) The 10 miles square provision of the Constitution is as readily amendable as any other provision if the conditions have changed which furnished the reasons for its enactment. (2) The provision does not mean what it is construed as meaning, and no amendment of it is necessary. Exclusive control by Congress is declared, but there is no prohibition against future representation of the District in the Congress which is to exercise this exclusive control. The Marylanders and Virginians who were marooned in the District of Columbia were too few in numbers to be represented on a State footing in Congress as a separate community, and, having lost their rights as Marylanders and Virginians, they were never until recently in a position of population and resources to ask consideration as a distinct community. But the Constitution does not prohibit such request or a favorable response to it when the changing and changed conditions justify. (3) The Washingtonian is no more committed to refrain from fighting to alter for the better his political, judicial, or material status than the Hawaiian, the Porto Rican, or the Alaskan. There is no solid foundation for the charge that the District (when nearly uninhabited) voluntarily resigned its right of distinct representation and irrevocably adopted the whole body of Congress (including its bitter enemies and its lukewarm friends) as the representatives of its interests. What was the intent of the forefathers in respect to the Washingtonians, the inhabitants of the 10 miles square? Madison, commenting in the *Federalist* on their status, said:

"As they will have had their voice in the election of the government which is to exercise authority over them, as a municipal legislature for local purposes derived from their own suffrages will of course be allowed them * * * every imaginable objection seems to be obviated."

Madison's idea was that the community should have a local elected legislature, and it did have a shadowy imitation of municipal self-government for nearly three-quarters of a century. In the beginning the Nation had no great property interests at the Capital which required it to control the local government in self-protection.

At that time it was the impecunious partner, the beneficiary of patriotic charity. It had at the capital only what was given it in jurisdiction and money contributions by Maryland and Virginia and in land by the individual owners of the soil. The proceeds of sales of part of the lots thus donated much more than paid the cost of the public buildings.

Conditions have changed. The National Government is now a very large property owner at the capital and a half tax payer. It feels that for the protection of its interests it must dominate the local government.

Under these changed conditions the local legislature, which, according to Madison, would, of course, be granted to Washingtonians, has been denied.

The conditions have also changed in respect to the local community as an applicant for representation in Congress and the Electoral College. The feeble population of the infant Capital was denied representation because these few men were no longer Marylanders or Virginians, and because they were not in sufficient numbers to entitle them to distinct independent representation. It was indicated in a congressional debate in 1800 that the Constitution might be amended to give them representation in the General Legislature when their numbers should become sufficient. Madison meets the objection of lack of national representation by the suggestion that in voting for the cession "they will have had their voice in the election of the Government which is to exercise authority over them." This suggestion applies, however, only to the original inhabitants of the 10 miles square who voted for cession, and not to their successors, who have had no voice, as alleged, in the selection of such Government—unless, indeed, the few original inhabitants, when the District was almost uninhabited, could so assent to nonrepresentation for themselves as to bind all future Washingtonians, though they might grow to a million in numbers and might surpass a dozen of the States in all characteristic elements of the American Commonwealth.

* * * * *

If the Nation is to continue to control the District, the District should be and can safely be recognized as part of the Nation and be permitted representation in Congress, which is the Nation, in exercising this control.

Senator DILLINGHAM. Mr. Noyes, can you state, outside of the colored population of Washington, what proportion of the males preserve their citizenship in the several States?

Mr. NOYES. No, Senator; I can not. I think the fact should be elicited by appropriate questions at the next census. I have tried to have the questions asked at preceding censuses. I know, however, that the number of those in the city who have a voting residence outside is steadily and even rapidly diminishing. Take any department, any bureau, where a very large number formerly went home to vote and the number now is very small.

I think that if this amendment were adopted and the opportunity were given here in the District to vote for Senators and Representatives and members of the Electoral College, this class of people who live here, with voting residence elsewhere, would completely disappear. The trouble heretofore has been, where local voting has been allowed or in the local propositions for a vote, that not enough in the way of American privilege has been granted or proposed to make it reasonable that these men, where they were able to keep up the State connection, should relinquish it. For instance, in order to participate merely in voting in connection with a local government, the exclusive power remaining all the time in Congress, so that what the local government did really was only a petition to Congress. I think the same reasoning would apply if the people here were now called on to vote merely for a voteless Delegate in the House after we have become entitled in our numbers and intelligence and resources to full representation.

I can conceive that these men would not surrender their right to vote for Senators and Representatives and members of the Electoral College in the States unless the same privileges were to be obtained by voting here. That is one reason why I think that in the light of existing conditions we of Washington should all get together and try to secure what equitably belongs to the District in the way of full representation, and not go back to what Jackson urged and what was granted us in 1871, a voteless Territorial Delegate which was appropriate at that time on account of the conditions of population and resources, but is not equitable or adequate now.

The only way to preserve the original "alien" status of Washington was to keep the District as nearly uninhabited as at the beginning. Our forefathers did not expect this paralysis of growth. George Washington predicted that the city of the Nation a century thence, if the country kept united, would be, "though not as large as London, yet of a magnitude inferior to few others in Europe." It is unbelievable that he thought that this great city which his imagination pictured would be peopled by aliens politically and less than aliens judicially. He could not have imagined that the great National Capital, rivaling London in population, would not be an American city.

The transaction at the birth of the city was not the permanent sale of an American birthright for special capital privileges, including national maintenance and development. If the Nation had carried out its century-old pledges to the capital, the sur-

render of the American birthright of national representation would not equitably have been viewed as perpetual. But the Nation violated its obligation and in 1878 only in part recognized and reassumed it. To-day the United States should fulfill its obligation of capital maintenance and upbuilding to the extent that equity demands, and should also restore national representation to the people of the District if statehood conditions are now fairly met here.

Whatever the actual solution may be, the problem must be solved of the status—political, judicial, industrial, material—of a populous and intelligent American community, living at the National Capital, but politically outside of the Nation; and this problem is fast becoming, with the notable growth of the class of isolated Washingtonians, one of the most important and urgent which confronts Congress and the American people.

REMARKS IN CONCLUSION (FEB. 29).

Mr. Chairman, I am not here either to oppose or to favor Senate bill 681 proposing a Delegate. I am here to urge quick and favorable action upon the proposed constitutional amendment. In some respects it is unfortunate, in some respects fortunate, perhaps, that these two measures have been coupled. It will be unfortunate if the committee takes the view that it has before it two propositions of adequate representation, one of which is easy to be granted, the other difficult to be granted; one that must necessarily occupy years in the securing, and therefore appropriately giving way, as far as immediate consideration is concerned, to another practical proposition of representation which can be quickly secured and which will be satisfactory, as far as it goes, when secured, and helpful in the long run in obtaining the fuller representation.

Anything is unfortunate that tends to prevent the committee from taking up the constitutional amendment and pushing it for quick and favorable action—not on the assumption that 6 years or 10 years will be required for its enactment, but with the conviction that the District is entitled to-day to this full representation, that it constitutes the only adequate representation, and that it should be granted as rapidly as by urgent pressure the consent of the Nation can be secured. Anything, I say, that interferes with that course in respect to the constitutional amendment would be a subject of vigorous protest from the chamber of commerce and the people in general who unitedly support this constitutional amendment and who in doing so sacrifice and put to one side the individual views which they entertain in respect both to forms of local government and in respect to the issue of a voteless Territorial Delegate.

All of these propositions of suffrage in the District were referred by the chamber of commerce to its committee of 10, which, when it met, found that there were in the committee 10 different views of what should be done in respect to local government in the District of Columbia, and there was a division—a distinct division—of sentiment in regard to the comparative advantages and disadvantages of a voteless territorial delegate; but we found, after canvassing the matter, that all 10 of us viewed the proposed constitutional amendment as something that we were entitled to at once; as something that was vital to our interests, the only adequate representation under existing conditions that should be asked or granted; and, as I say, we as a unit put aside our individual sentiments in regard to these other issues and reported back to the chamber of commerce this constitutional amendment, stripped of everything except the establishment of the one vital principle of national representation for the District, voting representation in Congress, and the Electoral College. When it was acted upon by the chamber of commerce our experience was the same, and after discussion, practically by a unanimous vote of the members of the chamber, including men who wanted this, that, and the other form of local government, all contradictory, including men who wanted a voteless District Delegate and those who did not want a voteless District Delegate, all united upon this proposed constitutional amendment.

It is fortunate, on the other hand, that the two propositions are coupled, because from our point of view every word that President Jackson said and President Johnson said in their times in favor of a territorial delegate is to-day under existing conditions an argument for full national representation; and so every word that has been so forcibly and eloquently said before you to-day by advocates of the delegate bill in favor of representation in the National Government is, from our point of view, an argument, not for an inadequate, voteless, negligible territorial delegate, but under existing conditions sets up a just claim which is only met and satisfied by the grant of such representation as will approximate the District's status, not to that of a territory, but to that of a State.

It should not be assumed that the delegate proposition is a part of the constitutional amendment proposition; that there is no dissent from the suggestion that the constitutional amendment must be long postponed, or that the adoption of the delegate

proposition will without question help to bring about this fuller and only genuine representation proposed by the constitutional amendment. There is a distinct difference of opinion upon that point in the community.

In the first place, the grant of a voteless territorial delegate, or even the proposition to reestablish a territorial delegate, would recall in the minds of many the hardships the injustices, and the humiliations, and renew the bitter prejudices of the period between 1871 and 1874, when we had such a territorial delegate; when we had, in addition to the territorial delegate, a form of territorial legislature, and thus had in those years, with, on the whole, unsatisfactory results, a greater degree of territorial representation than is proposed by the Poindexter bill.

Those who doubt whether the grant of a territorial delegate would help rather than retard the grant of full representation also have in mind that the real test of what shall be granted here in the District is in the national opinion concerning the quality and the extent of the voting constituency, the electorate here. Many of us think that when the quality of that electorate is put to the test it should be under conditions which will give us the full benefit of all that is valuable in the present make-up of our Capital community, that will attract as voters in the District practically all the high-grade Americans residing voluntarily in the Capital. Those of such Americans who enjoy the voting privilege in the national elections in the States will be slow, many of them, to surrender that right merely to vote for a voteless territorial delegate, when they would surrender readily that right if they might vote as in a State for Senators, Representatives, and presidential electors in the District.

If full national representation were granted to this community as proposed by the constitutional amendment, the result would be a voting constituency unsurpassed in any congressional district of the Republic. Numerically, morally, intellectually, and materially a voting constituency would be provided which would cause the District to rank well up in the list of small States and surpass a number of them. Our business and professional men, the educational, scientific, literary, and artistic elements of our population, our workmen in public and private employ, our Government clerks and other Government employees, our winter residents in process of conversion into Washingtonians, combine to constitute one of the strongest, most intelligent, most public-spirited, and most American of communities in the Republic.

In regard to the material resources of the community which entitle it to consideration approximately as a State, I would like to insert a few words in the record which show the comparative real estate valuations of Washington with certain larger cities, according to the census of 1913. Washington is assessed at \$508,000,000 plus.

Senator POMERENE. That is, realty alone?

Mr. NOYES. That is realty alone, and that is the basis of assessment. Our assessment is at two-thirds. That is, the 100 per cent value placed upon the property by the assessors. The assessed realty of Baltimore at 100 per cent is \$372,000,000 plus; Cincinnati, \$375,000,000 plus; Minneapolis, \$327,000,000 plus; Buffalo, \$438,000,000 plus; Detroit, \$447,000,000 plus. I give only a few cities simply to suggest that Washington in its realty values has the taxable resources that entitle it to respectful consideration.

Senator POMERENE. In those other cities you have given simply the tax valuation as it appears of record, I take it?

Mr. NOYES. No; that is the 100 per cent valuation.

Senator POMERENE. Does your \$508,000,000 here in the District include the public buildings?

Mr. NOYES. Oh, no; this is what we are assessed and taxed on; the valuation of private property. I am quoting these figures from my remarks before the fiscal committee. We contend that the standard of assessment applied here to realty is much higher than that applied in the other communities, and I do not mean to claim that the fraction of property in Washington that is held under private ownership is worth \$100,000,000 or \$200,000,000 more than all the property held in private ownership in these other cities; but after making all allowances for the superior activity of our assessors here it still remains that we have here, in comparison with much larger cities and in comparison with a great many of the States, realty values that constitute what would correspond to State resources that entitle us to the same consideration in the matter of material resources that we are entitled to in point of population and in point of intelligence of our constituency.

Then the same lesson is taught in the matter of national taxes. Now, the only national taxes that fall directly and unmistakably on the citizens of the United States are the internal revenue taxes, including the excise, corporation, and individual income taxes. Washington, in 1914, contributed more in these national taxes than 22 of the States; I mean in absolute amounts. Its per capita contribution was greater than that of 36 States. In other words, as contributors to national taxes the Washingtonians contributed more than the citizens of 36 States and less than the citizens of only 12 States.

One word more about the effect of granting a Territorial Delegate upon the grant of full representation later. There is in that course the danger that many Congressmen will treat the grant of a voteless Territorial Delegate almost impotent as a satisfaction in full of their obligation to give adequate representation to the Capital community, and as a result the constitutional amendment will be shelved, and a voteless Delegate in one House may become the permanent substitute for adequate voting representation in both Houses. That should be prevented from happening, Senators, in any event, no matter what is done in regard to the delegate proposition.

Those of us who are intent, and intent alone, on the constitutional amendment, do not look upon this Territorial Delegate under the conditions that exist as national representation at all. Our point of view would be developed by the question, Mr. Chairman, that you asked as to whether there could not be as well a delegate in the Senate as in the House. We look upon the Territorial Delegate as merely the legislative agent of the Territory with the privilege of the floor of the House for the purpose of speaking and not as a part of Congress under the Constitution.

I do not believe, Mr. Chairman, that anything authorizing a Territorial Delegate in the House can be found in the Constitution which will not authorize a similar voteless delegate in the Senate. It is a provision made outside of the Constitution for the Territory of the United States, giving that Territory a legislative agent in the transition period between Territory of the United States and a State of the United States, and, from our point of view, it is just as easy to grant to those who live in the District of Columbia a political status which shall give them speaking representation on the floor of the Senate as it is to give them the privilege on the floor of the House; but such representation is not real representation, and under the existing conditions of the District of Columbia it is not national representation at all. To grant it alone is, when we ask for bread, to give us a stone. Our view is that we should all, irrespective of our views in regard to a voteless Delegate and in regards to local government, unite, just as the committee of the Chamber of Commerce itself did, and as the Chamber of Commerce itself did, to push to success this constitutional amendment. We should do it not with the idea that we must wait for six or eight or ten years for its accomplishment, but we should treat it as something to which we are entitled now and as a project which we should push with all of our combined energies to bring to speedy success.

(The table submitted by Mr. Noyes is here printed in full, as follows:)

Relations of nations of the world to their capitals.

0	1	2	3	4	5	6
<p>Capitals.</p> <p>I. Capitals in Federal districts under national control—all republics: 1. Washington..</p> <p>2. Buenos Aires..</p>	<p>Does capital pay national taxes like other cities, and does nation spend liberally national money on national objects at capital?</p> <p>(1) Yes; (2) yes.....</p> <p>(1) Yes; (2) yes, lavishly (see under question 3).</p>	<p>Does nation encourage increase of local taxable resources?</p> <p>No; discourages.</p> <p>Yes.....</p>	<p>Does nation contribute toward municipal expenses, either discriminating in favor of the capital in this respect or contributing alike toward all the cities of the nation?</p> <p>Yes; discriminatingly under half-and-half provision of act of 1878.</p> <p>Yes; meets entire cost of specific expensive municipal items like police, fire department, etc., and part cost of such items as education, sanitation, including water supply and drainage. The docks and harbors of the city constructed and controlled by National Government, which also shares control and expense of creation and improvement of great avenues and streets, like Avenida de Mayo. In 1912 Argentina contributed toward police and fire departments alone \$7,500,000. In the main contributions are discriminating—in favor of capital.</p>	<p>Are the people of the capital represented in the National Government?</p> <p>No.....</p> <p>Yes; by 2 Senators and by members of Chamber of Deputies, 1 for each 33,000 inhabitants.</p>	<p>Have the people of the capital any voice in questions of local taxation? Do they control or participate in the municipal government?</p> <p>No; Congress exercises absolute and exclusive legislative control. Three municipal executives (commissioners) appointed by President.</p> <p>Yes; through an elected council. The intendente, the official corresponding to mayor, is appointed by the President, subject to the approval of the Senate.</p>	<p>Is there any special equitable obligation upon the nation to develop or maintain the capital?</p> <p>Yes; (1) That arising from the circumstances of the creation, planning, and upbuilding of the infant capital, and the trusts coupled with gifts of land to the nation in part for the capital's development; (2) The obligation that is coupled with absolute and exclusive control of the nation's city. Obligation follows power. This obligation is in the case of Washington extraordinarily great. Yes; a slight obligation corresponding to the degree of special and peculiar control exercised over the Federal district and the national city by the National Government. Obligation follows power.</p>

<p>3. Rio de Janeiro</p>	<p>(1) Yes; (2) yes; lavishly (see question 3).</p>	<p>Yes; meets cost of specific municipal items like police, illumination, education (in part), etc. Grand plans for city improvement, taking shape in 1892, were in the beginning financed by national loan of \$40,000,000 and municipal loan of \$20,000,000. Total improvements estimated at \$200,000,000. These plans include the construction of magnificent avenues, like Avenida Central and Avenida Beira-Mai, quays, docks, canals, elevation of railroad beds, enlargement of water supply, revision of sewerage system, municipal theater at cost of \$5,000,000, etc. In the main national contributions are discriminating in favor of capital.</p>	<p>Yes; by 3 senators elected for 9 years and by 10 deputies elected for 3 years.</p>	<p>Yes; through a city council of 10 members elected by direct suffrage for 2 years. The chief executive is the prefect (mayor), appointed for 4 years by President and confirmed by Senate. The prefect has larger powers in respect to municipal regulations than an American mayor, executive decrees taking the place of legislative action.</p>	<p>Yes; an obligation corresponding to the degree of special and peculiar control exercised over the Federal district and the national city by the National Government through the prefect and through Congress. Obligation follows power.</p>
<p>4. Mexico</p>	<p>(1) Yes; (2) yes, lavishly (see question 3). On beautiful avenues like Paseo de la Reforma. On great drainage projects like Viga Canal. On fine public buildings, including educational institutions, etc.</p>	<p>Yes; discriminatingly. Under organic act of 1903 federal government has entire charge of finances of district and all municipal taxation of every kind is treated as national taxation. Appropriations for the federal district are carried in the general federal budget and in theory are not differentiated from any other federal expenditure, and the revenues are considered likewise. Comparatively little revenue is derived from the city in direct taxation on property after the American fashion. "The improvements made in Mexico * * * and other Latin-American cities have been made through direct expenditures by the national governments without regard to the amounts of local taxes collected in the capitals, and from what has been said</p>	<p>Yes; the Federal district is divided into 13 municipalities, each with its elected municipal council, which must be consulted in respect to all important municipal concerns, which has a veto power in respect to such municipal projects that can be overruled only by the President. These councils have no direct, affirmative law-making power. The Mexican Congress is the sole law-making power for the Federal district. The municipal executives are the governor of the Federal district, the director general of public works, and the president of the superior board of health,</p>	<p>Yes; the obligation which is coupled with and measured by power and control is strong in the case of Mexico City. As with us, Congress is the capital's exclusive legislature, but unlike us, Mexico City has full representation in the National Congress. Like Washington, Mexico City has as municipal executives 3 officials appointed by the President and confirmed by the Senate. But Mexico City, unlike Washington, has an advisory and negative or veto word in respect to its municipal affairs through its elected municipal councils. Mexico, the nation, is under no special obligation to its capital of the first kind, specified as operating for the benefit of Washington, and its obligation of the second kind is not so strong, as we have seen, as in the case of Washington. But there remains a substantial equitable obliga-</p>	

Relations of nations of the world to their capitals—Continued.

0	1	2	3	4	5	6
<p>Capitals.</p> <p>I. Capitals in Federal districts under national control—all republics.—Continued. 4. Mexico (con.).</p>	<p>Does capital pay national taxes like other cities, and does nation spend liberally national money on national objects at capital?</p>	<p>Does nation encourage increase of local taxable resources?</p>	<p>Does nation contribute toward municipal expenses, either discriminating in favor of the capital in this respect or contributing alike toward all the cities of the nation?</p>	<p>Are the people of the capital represented in the National Government?</p>	<p>Have the people of the capital any voice in questions of local taxation? Do they control or participate in the municipal government?</p>	<p>Is there any special equitable obligation upon the nation to develop or maintain the capital?</p>
			<p>above it can be seen clearly that no regard could be had to these local taxes, since where such exist they are inconsequential."—Pan-American report comment. Thus Mexico, the nation, collects from its capital local taxes which are authoritatively declared to be inconsequential, and then disregarding entirely the very small contribution of the local community appropriates liberally from the national funds (to which the residents of the Mexican capital contribute just as Washingtonians do) for municipal objects. For example, in 1912 Mexico national funds for Mexico City \$1,282,300 for police and fire departments; charity, including hospitals, \$782,302; street paving, \$352,208; street lighting, \$215,420, etc.</p>		<p>appointed by the President, and acting ex-officio as the governing council of the Federal district.</p>	<p>tion which the nation has recognized and met. (See under question 3.)</p>

<p>I. Capitals of republics which have no distinct federal districts under some special national control: 5. Paris.....</p>	<p>(1) Yes; (2) yes, lavishly.</p>	<p>Yes.....</p>	<p>Yes. Contributes heavily for specific items, over \$2,000,000 annually for police, about one-half cost. Large fixed sum for street and sidewalk making, paving, etc. (See for details, p. 170, Bowerman's typewritten report.) France discriminates against other French cities in its great expenditures upon Paris.</p>	<p>Yes. Through elected municipal council with authority over taxation and loans. Nation participates through prefect of Department of Seine (mayor of Paris) and prefect of police, who are appointed by central government. The people of Paris or a section of them demand greater autonomy in their municipal government. They protest against the strict national supervision which is exercised.</p>	<p>Yes. Nation exercises special and peculiar control over Paris which it does not assert in respect to other French municipalities. Paris is the only French city without an elected mayor. The obligation imposed by the special control over Paris reserved by France has been met ten times over by the nation, which in patriotic pride has lavished millions upon its capital.</p>
<p>6. Bern.....</p>	<p>Capital is treated same as other Swiss cities.</p>	<p>Does not discourage.</p>	<p>National Government contributes only small sum for certain educational expenses. No discrimination in favor of capital.</p>	<p>Yes.....</p>	<p>No. No special power or control, no special obligation. Obligation follows power.</p>
<p>III. Capitals of locally self-governing British colonies: 7. Ottawa.....</p>	<p>(1) Yes; (2) dissatisfaction with national contribution in national appropriations.</p>	<p>.....do.....</p>	<p>No general or discriminating contribution. Dominion meets certain expenses connected with Government property. Appropriations for Improvement Commission for parks, boulevards, driveways, etc. To meet dissatisfaction over national contributions proposed to assimilate to District of Columbia financial arrangement. (See p. 169, Bowerman.)</p>	<p>Yes; autonomous. Dominion does not participate at all in municipal government.</p>	<p>No. No special control. No special obligation. Obligation follows power.</p>

Relations of nations of the world to their capitals—Continued.

0	1	2	3	4	5	6
<p>Capitals.</p>	<p>Does capital pay national taxes like other cities, and does nation spend liberally national money on national objects at capital?</p>	<p>Does nation encourage increase of local taxable resources?</p>	<p>Does nation contribute toward municipal expenses, either discriminating in favor of the capital in this respect or contributing alike toward all the cities of the nation?</p>	<p>Are the people of the capital represented in the National Government?</p>	<p>Have the people of the capital any voice in questions of local taxation? Do they control or participate in the municipal government?</p>	<p>Is there any special equitable obligation upon the nation to develop or maintain the capital?</p>
<p>III. Capitals of locally self-governing British colonies—Continued. 8. Cape Town, legislative capital Union South Africa.</p>	<p>Capital is treated same as other municipalities.</p>	<p>Does not discourage.</p>	<p>Union Government owns harbor board area and pays fixed sum, mutually agreed upon, in lieu of taxes. Government pays for municipal services, water, light, etc., like a private individual. It maintains police department and contributes to education.</p>	<p>Yes.....</p>	<p>Yes; autonomous, with slight limitations.</p>	<p>No.</p>
<p>9. Pretoria, administrative capital Union South Africa.</p>	<p>(1) Yes; (2) See under question 3.</p>	<p>.....do.....</p>	<p>Laws do not provide for national contribution of any fixed proportion of total municipal expenditures, but a lump sum in a fixed amount has been voted annually since 1910 by the National Government. This amount is not satisfactory to the local taxpayers, whose taxes have been largely increased and who complain that the Government pays only about one-third of the amount that would be paid if national property were taxed like that of an individual. (See Bowerman, pp. 185-186.)</p>	<p>Yes.....</p>	<p>Yes.....</p>	<p>No.</p>
<p>10. Canberra.....</p>	<p>.....</p>	<p>.....</p>	<p>Located in a federal district thirteen times as large as District of Columbia. National Government proposes to own and control everything about capital, including title to all lands in the</p>	<p>.....</p>	<p>.....</p>	<p>Yes. Nation will exercise vast and exclusive power and control. Its obligation will be equally vast. Obligation follows power.</p>

<p>IV. Capitals of monarchies of democratic tendencies: 11. London.....</p>	<p>(1) Yes; (2) yes.....</p>	<p>Yes.....</p>	<p>district. If present plans are carried out by party now in power, an interesting socialist Government ownership experiment will be tried. (See Bowerman, p. 164.)</p>	<p>Yes. (See Bowerman, p. 178, et seq.)</p>	<p>Yes.....</p>	<p>Yes. Local autonomy in taxation. Local municipal authorities have greater powers than Paris council. (Bowerman, p. 176.)</p>	<p>Slight. No peculiar exclusive control over capital. Equitable obligation has much more than been met.</p>
<p>12. Brussels.....</p>	<p>(1) Yes; (2) yes.....</p>	<p>Does not discourage; no discrimination.</p>	<p>Yes; but no discrimination in favor of capital; subsidies for education, police, etc.</p>	<p>Yes. People of capital on same footing as others.</p>	<p>Yes. Elected municipal council. One councillor selected by King as burgomaster. Same in all cities.</p>	<p>No. No peculiar control; no peculiar obligation.</p>	
<p>13. Copenhagen.....</p>	<p>(1) Yes; (2) yes.....</p>	<p>.....do.....</p>	<p>Capital is apparently treated in every respect like other Danish cities.</p>	<p>Yes.....</p>	<p>Yes.....</p>	<p>No.</p>	
<p>14. Athens.....</p>	<p>(1) Yes; (2) yes.....</p>	<p>Does not discourage.</p>	<p>Capital is apparently treated like all other Greek cities.</p>	<p>Yes.....</p>	<p>Yes. Municipal council with national prefect of province and minister of interior supervising. People of Athens seek larger municipal power and freedom of action.</p>	<p>Slight.</p>	
<p>15. Rome.....</p>	<p>(1) Yes; (2) yes, lavishly since 1870.</p>	<p>Yes.....</p>	<p>Yes. Since 1870, when Rome made royal capital per capita municipal tax multiplied by 10. Municipal and National Governments cooperating to make Rome one of world's finest capitals. For streets municipal loan of \$30,000,000 guaranteed by Government. (Bowerman, p. 179.) City debt burdened. Complains of heavy taxes. (Bowerman, p. 180.)</p>	<p>Yes.....</p>	<p>Yes. Elected council with National Government represented by prefect.</p>	<p>Slight. (Rome thinks more should be done by nation at national expense.)</p>	
<p>16. Tokyo.....</p>	<p>(1) Yes; (2) yes.....</p>	<p>Does not discourage.</p>	<p>Yes, but no discrimination. Certain equitable contributions as in other cities.</p>	<p>Yes.....</p>	<p>Yes. Elected municipal assembly. Mayor appointed by Minister Foreign Affairs with sanction of Emperor from 3 candidates elected by assembly.</p>	<p>No.</p>	

Relations of nations of the world to their capitals—Continued.

0	1	2	3	4	5	6
Capitals. IV. Capitals of monarchies of democratic tendencies—Continued. 17. Christiania...	Does capital pay national taxes like other cities, and does nation spend liberally national money on national objects at capital?	Does nation encourage increase of local taxable resources?	Does nation contribute toward municipal expenses, either discriminating in favor of the capital in this respect or contributing alike toward all the cities of the nation?	Are the people of the capital represented in the National Government?	Have the people of the capital any voice in questions of local taxation? Do they control or participate in the municipal government?	Is there any special equitable obligation upon the nation to develop or maintain the capital?
(1) Yes; (2) yes.....	Does not discourage.	Yes, but no discrimination. State contributes toward certain municipal expenses (police, health, education, etc.) of all municipalities.	Yes.....	Yes. Near local autonomy in all cities, limited by influence exercised by National Government especially over finances. An elected city council and 3 executive officials (magistrates or mayors) appointed by the King. Municipalities dissatisfied seek to elect the magistrates or abolish them. (Bowerman, p. 183.)	Slight.	
(1) Yes; (2) yes, lavishly.	Yes. (See Bowerman, p. 29.)	Yes, but no discrimination. Subventions for police, education, etc., to all German cities.	Yes.....	Yes. Near local autonomy in taxation. Council has greater nominal powers than Paris council. (Bowerman, p. 175.)	No. Nation has, but as rule does not exercise, unlimited control over capital and other municipalities. There is no peculiar equitable obligation to capital alone.	
(1) Yes; (2) yes, lavishly.	Yes.....	Yes. Not for specific objects but in lump sums, part of certain state taxes. Similar contributions may be made to other Austrian cities.	Yes.....	Yes. Near local autonomy with supervising veto power in National Government.	No. Apparently no peculiar control actually exercised over capital upon which to base peculiar equitable obligations.	
(1) Yes; (2) yes, lavishly.	Yes.....	Yes. No general contribution but equitable portion of certain municipal expenses (police, disinfecting plant, etc.). May be no discrimination in principle in favor of capital.	Yes.....	Yes. Municipal council elected for 6 years. State participates through minister of interior.	No.	

Mr. NOYES. I have here what is entitled "The Washingtonian Americanization catechism," which, in 12 questions and answers, states the basic facts and reasoning upon which our appeal for national representation is founded. I ask that this may, without reading, be inserted in the record.

Senator SHEPPARD. That will be inserted.

(The document referred to is here printed in full, as follows:)

THE WASHINGTONIAN AMERICANIZATION CATECHISM.

(1) What do you seek?

National representation, i. e., voting representation in the National Government. The status of American citizens and citizens of a State in House, Senate, Electoral College and the courts of the United States.

(2) How do you seek national representation?

By the pending constitutional amendment we ask the people of the United States to empower Congress in its discretion to grant us this representation. When this power is given to Congress by a two-thirds vote of Congress and a three-fourths vote of the State legislatures we shall seek to persuade a majority of Congress of the justice and wisdom of the speedy exercise of this power. By the constitutional amendment national representation is taken from inaccessibility and made possible. By the subsequent action of Congress District representation will be made a reality.

(3) What do you omit to seek?

We do not seek to disturb in any way national control of the Capital through Congress. We seek merely to participate like Americans of the States in the Congress which exercises this control, and in the National Government which makes and executes laws for the whole United States, the District of Columbia included.

LOCAL GOVERNMENT NOT AFFECTED.

We do not seek in this movement for national representation either to break down or to protect the form of municipal government which Congress representing the Nation has given us. Congress has now the power by a majority vote to set up here any municipal government it pleases, with any degree of self-government which does not involve a delegation by Congress of its power of general legislation. It will have precisely the same power, no more and no less, when the constitutional amendment empowering Congress to grant District national representation has been adopted.

Some of us favor the retention of the present form of municipal government; some of us favor its change by Congress in the direction of a larger measure of local self-government. We all come together and cooperate heartily in seeking representation in the National Government and the honor, the privilege, and the power of national representative citizenship. We are not so foolish as to drop out of a campaign for something that we all earnestly want and absolutely need in order to quarrel without result over the entirely distinct question of local self-government.

In seeking the Americanization of Washingtonians we ask through constitutional amendment only that which is vital to that Americanization and which can be obtained in no other way than by constitutional amendment. We do not seek to secure a two-thirds vote of Congress and a three-fourths vote of the State legislatures for any legislative proposition whatsoever which Congress now has the power by a mere majority vote to enact.

A DISTINCTIVE BASIC AMERICAN RIGHT.

(4) On what ground do you seek national representation?

It is a distinctive, basic right of the American citizen—in a government of the people by the people for the people—in a government which roots its justice in consent of the governed—in a representative government which inseparably couples taxation and arms bearing as a soldier with representation.

So far as we 437,000 residents of the District are concerned, the American Government is not a Government of all the people by all the people for all the people. It is a Government of all the people by a part of the people. The 437,000 District residents are among the people who are governed, but not among the people who govern.

The 437,000 Americans of the District do not give their consent to their National Government through elected representatives in accordance with the American principles like all other Americans of the continental and contiguous United States.

In respect to the 437,000 Americans of the District representation is divorced from taxation and soldier service. We bear all the national burdens of citizens of a State in national taxes, in subjection to national laws and as national soldiers sent to war. In genuine representative government rights and obligations are inseparably wedded. We meet fully the national obligation. We bear cheerfully our share of the national burden. We are entitled to all vital national rights and privileges.

(5) In what particulars are you meeting the same national obligation as Americans who are citizens of a State?

In these days of exalted Americanism Washingtonians are in the front rank of devoted Americans. They have ever been foremost when Americanism meant loss instead of benefit, when to be Americans meant to place both sacrifice of treasure and blood sacrifice upon the Nation's altar.

Washingtonians have paid their proportion of every national tax, direct or indirect, from the birth of the Nation. The only national taxes that fall directly and in ascertainable amounts upon the Americans are the internal-revenue taxes, including the excise and income taxes. In total contribution in 1914 to these taxes Washington exceeded 22 of the States, though it exceeded in population only 6 of them. Its contribution was greater than those of 9 of the States combined. The Washingtonians' per capita contributions to these national taxes was greater than that of the citizens of 36 of the States.

Washingtonians have risked life and shed their blood in every national war. To preserve the Union the first volunteers came from the Capital, and Washingtonians supplied a greater percentage of troops in excess of their quota than nearly every State in the Union. In the War with Spain they sent to Cuba a fine regiment, exceeding their quota in numbers. The same response was made when the summons to the Mexican border came. At that time the percentage of men of military age enrolled in the Organized Militia was greater in the District than in any State of the Union. Washington sent more soldiers to the border than 22 of the States.

In the World War no other American community responded more enthusiastically and effectively to the call to arms and universal service. They are eager volunteers of money for war through the Red Cross and other agencies, and of personal service through enlistment in Army, Navy, National Guard, or Home Defense League. They show patriotic readiness to bear the burden of conscription, whether in the shape of taxes imposed on lines which cause the District of Columbia to contribute more per capita than three-fourths of the States, and more absolutely than nine of the States combined; or in the shape of universal personal service and the selective draft.

In the war with Germany the District of Columbia has made a record of which the Nation should be proud. The total voluntary enlistments in the Army, Navy, and Marine Corps for the District was 8,314, a number greater than that in eight States, viz, Nevada, Delaware, Arizona, Wyoming, Vermont, New Mexico, and New Hampshire, and only a trifle less than three other States. The number of men inducted into the Army under the first and second registrations was 9,631, making a total of voluntary enlistments and inductions into the service of the Government of 17,945. In other words, the percentage of voluntary enlistments was 46.33 per cent of the total inductions into the service.

The proportion which the voluntary enlistments bear to the total number of enlistments and inductions by way of registration was greater for the District of Columbia than for every State of the Union except Rhode Island, Oregon, Washington, California, and Maine, and more than one-third greater than the percentage for the country as a whole.

To every demand of devotion and self-sacrifice made upon Americans Washington has rendered, is rendering, and will always render full, hearty, and unstinted response.

(6) In what particulars are you deprived of the rights and privileges of Americans who are citizens of a State?

As a suitor in the courts of the United States the District resident has, the Supreme Court says, a lower standing than an alien.

In relation to national laws the sole function of the District residents is to obey. They take no part in making the laws which they must obey.

In relation to national taxes their sole function is to pay. They have nothing to say, like other taxpayers, concerning the amount and kind of taxes they shall pay and how the tax money shall be spent.

In relation to national war their sole function is to fight in obedience to command. They have no voice, like other Americans, in the councils which determine war or peace. They have no representation in the Government which requires them to fight, to bleed, and perhaps to die.

Since the 437,000 Americans of the District pay national taxes, obey national laws, and go to war in the Nation's defense, they are entitled on American principles to be

represented in the National Government which taxes them, which makes all laws for them, and which sends them to war.

CONFERS AN HONOR AND ARMS WITH POWER.

(7) On what other grounds than as an American right and privilege do you seek national representation?

This distinctive American privilege decorates the American with a badge of honor and arms him with power. Its lack slurs the Washingtonian as unfit and defective, and slurs the Nation as in this respect un-American and impotent.

What the amendment proposes is equitable in itself and compulsory in accordance with American principles and traditions.

It gives to residents of the District rights and privileges which, under our scheme of government, belong to all who pay national taxes and fight as national soldiers.

It gives to residents of the District a self-protecting power in the national councils which is denied to the residents of no other community in all of the mainland and contiguous United States from Maine to Texas and from New York to California.

This status, this right, this privilege, this power is supremely beneficial and to be desired by the residents of the District.

National representation of the District will remove from the Nation the shame of impotency and from Washingtonians the slur of unfitness.

It will proclaim to the world that the great Republic is as devoted to the principles of representative government and as capable of enforcing them as other Republics with capitals in nation-controlled districts, like Mexico, Brazil, and Argentina. These nations have not found themselves impotent to give full national representation to the people of their capitals.

It will proclaim to the world that the people of Washington are as fit to participate in national representative government as the people of Rio de Janeiro, Buenos Aires, and Mexico City. Washington will cease to be the only capital in all the world whose people, slurred as tainted or defective, are unworthy to enjoy the same national representation as those enjoyed by all other cities of the Nation.

Washington will cease to be the only American community—numerous, intelligent, prosperous, public-spirited, and patriotic—in all the expanse of continental and contiguous United States whose fitness to exercise national privileges as well as to bear national burdens is denied.

There is no resident of the capital who will not be benefited by national representation, no resident who will be injured by it, no resident who in enlightened self-interest should not enthusiastically favor it.

National representation will clothe the Washingtonian with a vital American privilege to which he is undeniably in equity entitled; will cleanse him of the stigma and stain of un-Americanism, and, curing his political impotency, will arm him with a certain power.

It will relieve the Nation of the shame of un-Americanism at its heart and of impotency to cure this evil.

It will inflict no injury or hardship upon either Nation or Capital to counteract these benefits.

DISARMS PARTISAN APPREHENSION.

(8) Why do you not propose by constitutional amendment direct grant of the status of State citizens for the purpose of national representation? Why do you ask in your amendment only that Congress be empowered to admit you to that status?

The amendment is so worded as to reduce to a minimum opposition to its passage. It became evident in 1916 that Congress would not favor an amendment which directly and immediately gave this status and this representation to the District.

To empower Congress to admit the District to partial statehood for limited purposes is the natural and logical procedure, since the Constitution has already given to Congress the power to admit to full statehood all the territory of the United States, except the District of Columbia.

Congress wishes in respect to the District the same power which it exercises in the admission of Territories to Statehood. It wishes to scrutinize minutely before admitting to representation in House and Senate the proposed new constituency. It wishes to convince itself of the fitness of this constituency for national representation in quantity and quality of population, in intelligence, in public spirit, in Americanism, and in material, taxable resources.

The party in power in Congress has traditionally examined closely the partisan complexion of the prospective constituency, and if, convinced that the new Senators

and Representatives would be hostile if immediately elected, has postponed to a more convenient season the admission of a Territory to Statehood, however strong the Territory's showing of fitness in population and resources. The adoption of the pending constitutional amendment will not deprive Congress of any of these powers and prerogatives. Congress will have the power in its discretion on any grounds, good or bad, partisan or otherwise, to postpone the date when it pronounces the District fit for this national representation.

The wording of our amendment thus disarms opposition based on partisan apprehension of disadvantage by leaving Congress a free hand in respect to the date of the admission of District residents to national representation and in respect to the terms of such admission. It is inconceivable that partisan fear of future disadvantage when control of Congress might possibly be in the hands of the enemy would cause fair-minded Americans, however subject to partisan influence, to fall so low as to oppose the pending amendment and thus in violation of equity and American basic principle to declare themselves against even the possibility of the District residents ever securing this representation, though the District should grow to a million in population and as a national taxpayer surpass a majority of the States.

The most bitter partisan would never be so grossly unfair, so discredibly un-American.

A WISE MEASURE OF WAR PREPAREDNESS.

(9) Is not your application for consideration of your political status untimely while war is raging?

No. War brings to the Washingtonian appreciation of the dignity and value of full American citizenship and intensifies his desire and demonstrates his fitness to enjoy it.

War brings to the Washingtonian a vivid appreciation of his obligations to the Nation as an American. He responds to the national appeal with volunteered and conscripted money and personal service, with sacrifice of property and labor and with blood sacrifice upon the Nation's altar.

What men fight for and are ready to die for, they come to appreciate, to value highly and to love.

The burdens and sacrifices cheerfully endured by the Washingtonians in the war time develop not only patriotic devotion in meeting the obligations of American citizenship, but full valuation of the dignity, the honor, and the glory of that citizenship, and the strong desire to enjoy its rights, its privileges, and its powers.

Thus the very act of meeting fully the primary war-time obligation of "national safety and national service first" arouses and thrills Washington with a passionate determination to nationalize itself, to become an integral part politically of the Nation, to rid itself of an Americanism that is stunted, defective, tainted, and inspires it in a spirit of patriotic enthusiasm to organize itself so thoroughly that its whole weight and strength can be thrown as a unit in support of the constitutional amendment which is to Americanize it by giving it national representation.

War not only makes natural and opportune the Washingtonian's thought of national representation, but brings to the Nation vivid appreciation of its shameful lack of political equity in dealing with the capital community and prompts it to Americanize its capital quickly as a wise measure of war preparedness.

FITNESS FOR NATIONAL REPRESENTATION.

(10) Are you fit in numbers, intelligence, and resources to enjoy these national rights and privileges of citizens of a State?

Yes. We are American citizens assembled "in sufficient numbers in a limited space" and meet all the territorial requirements of the community about to be admitted to full Statehood.

The District exceeds in population 7 of the existing States.

It exceeds in population every new State in the Union at the time of its admission except Oklahoma.

The community in intelligence, in public spirit, patriotic devotion, in every distinctive American characteristic is unsurpassed in the United States.

Who contends that these 437,000 Americans are not as intelligent, as patriotic, as public-spirited, as American, in short, as the same number of Americans anywhere else in the United States, or as the smaller number of Americans collected in five of the States?

What new State has ever been admitted to the Union which at the time of admission had so large, so intelligent, and so thoroughly American a population as the District? What new State at the time of admission measured, as to its taxable resources, was

raising so much in local taxes, and contributing so much in national taxes, as the District of Columbia? The District to-day is contributing in national taxes, to be disbursed by a legislature in which it is not represented, a greater amount absolutely than 15 of the States and a greater amount than 35 of the States combined.

The District in war to-day responds as enthusiastically and effectively to the call to arms as any other American community. Washingtonians have risked life and shed their blood in every national war. To preserve the Union the first volunteers came from the Capital, and Washingtonians supplied a greater percentage of troops in excess of their quota than nearly every State in the Union. In the War with Spain they sent to Cuba a fine regiment exceeding their quota in numbers. The same response was made when the summons to the Mexican border came. At that time the percentage of men of military age enrolled in the Organized Militia was greater in the District than in any State of the Union. Washington sent more soldiers to the border than 22 of the States.

In the World War the voluntary enlistments from the District were greater than those from eight States, and the percentage of voluntary enlistments to total enlistments and registration was greater than in 43 States.

If, however, any one thinks that the population of the District is not now fit for admission to partial statehood, no reason results for opposing this constitutional amendment, which merely gives Congress the power in its discretion in the future to grant this representation and which postpones the test of the District's fitness until Congress shall see fit to apply it. We shall be fit then if not now.

To vote against our constitutional amendment is to say that the defectives and delinquents of Washington will never be fit for national representation, and should be denied the possibility of ever convincing Congress that they have become fit.

WHY NOT DEMAND STATE OF COLUMBIA?

(11) If you are thus entitled to full statehood why do you not ask for admission as a full-fledged State?

Because there is not the slightest possibility of securing it. Because it is not for the welfare either of the District or the Nation to propose it, unless national representation for the District can not be obtained in any other way.

The mere suggestion of full statehood for the District and surrender by the Nation of municipal and State control of its Capital, brings upon us threats of repudiation by the Nation of financial equity in dealing with a self-governing Capital and even of removal from Washington of the seat of Government.

We assume that national control of the Capital through Congress will not be surrendered, and as long as this control is retained the District can not be a sovereign State. We do not seek to wrest control of the Capital from Congress or to reduce the powers of Congress in any particular. We ask only to be made a small fractional part of the National Government, which represents the whole Nation, the District included, in exercising power of exclusive legislation over the 10 miles square.

Our present attitude is unassailable. We show convincingly the conditions which entitle us to all the rights, privileges, and powers of the citizens of a State. In order, however, that in the national interest the Nation may retain full control of its Capital we waive those rights and powers which are inconsistent with that control. And we petition Congress to empower itself to grant to us when we are fit such of those rights and powers of the citizens of a State as are consistent with national control of the seat of government.

Entitled to all, we ask patriotically and self-sacrificingly only for a part.

How can any American, in or out of Congress, reject this equitable petition? What national legislator can be imagined as stooping so low as to threaten repudiation by the Nation of its financial obligation toward the Capital, or violation of the Nation's pledge that Washington should be the permanent Capital, merely because Washingtonians dare to present and push this just amendment?

Not a vote in either house of Congress should deny this degree of Americanization to the people of the District of Columbia.

NOT A MOVE FOR LOCAL SELF-GOVERNMENT.

(12) Why do you propose in view of the collapse and failure of municipal government by unlimited suffrage in America to destroy the present commissionership form of government, under which the Capital has prospered, and substitute for it the municipal government of other American cities now so thoroughly discredited by experience?

We do not propose by our amendment to destroy Washington's present form of municipal government. We do not propose to establish here local self-government in

municipal affairs. We do not propose any diminution or any increase of the existing power of Congress, by majority vote, to set up here any municipal government it pleases.

We seek representation for the District in Congress. We do not know whether the representatives of the District elected in accordance with the proposed constitutional amendment would be for or against the present form of municipal government.

The issue would not in any event be one for these representatives to decide. One or two District senators out of 97 or 98, and one District representative out of 436, could not control or even strongly influence the decision of Congress concerning a matter in respect to which it is sensitively jealous, as it is in relation to any issue affecting its own control of the National Capital.

While we do not propose by our constitutional amendment to injure in any way the present form of municipal government, neither do we propose by that amendment to protect or to perpetuate it.

The issue of national representation must be kept entirely distinct from that of the form of local government, or success for the proposed constitutional amendment will be hopeless. Either those who favor local self-government or those who oppose it can defeat a proposition which requires for adoption a two-thirds vote of each House of Congress.

The proposed amendment, without affecting in the slightest the form of local government or the existing power of Congress to declare what shape that municipal government shall take, prepares the way for the District to secure by majority vote of Congress voting representation in Congress and the Electoral College. It gives a new power to Congress and raises the possibility of a new power of value to be enjoyed by the District.

National representation stands for a distinctive American privilege, honor, and power to which the Washingtonian is entitled, and which he can enjoy without injury either to himself or to the nation.

Every Washingtonian, whether he favors or opposes the present form of municipal government, whether he favors or opposes local self-government, should labor energetically and enthusiastically for the adoption of this wise, wholesome, and equitable amendment.

When the amendment is adopted and the valuable benefits which it promises to all Washingtonians have been secured, then the old-time belligerents in their battle over local government can cease harmonious cooperation and spring again at each other's throats.

But if before the common object of the campaign for national representation is attained these now cooperating allies fall mutinously out of ranks and begin scrapping over local government, the humiliating impotency of revolutionary Russia will be duplicated in miniature in the national representation campaign of the District of Columbia.

Mr. NOYES. The Star has been quoted by Mr. Claffin in his argument for a territorial delegate; also I think by Mr. Ayers and Mr. Baker in their arguments; I ask permission to insert in the record, without reading, three recent Star publications, one editorial of last November, and two articles of editorial correspondence in December, which suggest the Star's position to-day in respect to the subject upon which it has been quoted.

Senator SHEPPARD. They may be inserted.

(The documents referred to are here printed in full as follows:)

[Star, Nov. 10, 1921.]

AMERICANIZING THE WASHINGTONIAN.

The Senate District committee will, it appears, supplement its hearings upon the bills to permit the District to elect commissioners, board of education, public utilities, commission and a voteless delegate in the House by thoughtful consideration upon its merits of the constitutional amendment, empowering Congress to grant to District residents representation in House, Senate and Electoral College. After hearing the issues in respect to which organized Washington bitterly disagrees, it will consider the issue in respect to which organized Washington is practically united.

In 1916 one strong civic organization, the Chamber of Commerce, appeared before the Senate District committee to advocate national representation for the District through constitutional amendment. As the result of a wonderful growth of national representation sentiment in the last five years, at the hearing last January before the House judiciary committee the national representation constitutional amendment was vigorously advocated by nearly every civic organization of the capital. Those who wished to overturn and those who wished to preserve the present local govern-

ment and both those who thought a voteless territorial delegate helpful and hurtful to the District were united to fight for national representation, which bestows a high American privilege and power and hurts nobody, and which can not be secured except through constitutional amendment.

For the immediate present the organizations and individuals united to fight for national representation are divided in order that they may scrap with one another over the local government and voteless delegate issues. After these issues have been disposed of the belligerents may be expected to come together again in united support of the Americanization of the Washingtonian through genuine voting representation in Congress and Electoral College.

It is suggested in this connection that Congress at this time wishes to approximate the District to the political status of a territory and not to that of a State; and that, therefore, it is disposed (on the mistaken assumption that the constitutional amendment proposes statehood) to reject the amendment and, as a substitute, to give the District a voteless delegate or two voteless delegates in the House.

If Congress wishes to approximate the District's political status to that of a territory it will approve the constitutional amendment, which merely accomplishes this approximation. The privilege of voting for voteless delegates falls far short of approximating the American rights and powers of a territory.

(1) The territory has an elected legislature of its own, which makes its laws. (2) The territory may at any moment by a majority vote of Congress be admitted to statehood and to privileges which include the representation in Congress and the electoral college which the District seeks. These are the distinctive and precious rights and powers of the American territory.

The sole effect of the pending constitutional amendment is to put the District upon the political plane of a Territory under the second of the two specified heads, but with radical reservations and limitations. The amendment makes it possible for the District to secure at some future time representation in Congress and the Electoral College by empowering Congress, in its discretion as to time, to grant this representation, retaining, however, national control of the Capital and without admitting the District to sovereign statehood.

Our constitutional amendment merely takes District representation from inaccessibility and impossibility and makes it possible.

The amendment thus meets the suggested wish of Congress to place the District approximately (but with radical restrictions) upon the Territorial plane.

The bill enabling the District to vote for a voteless delegate does not put the District upon the Territorial plane at all. It does not give the District the Territorial power of enacting local laws or the promise and possibility of future power to participate on American principles in making National laws.

If we accept it as giving us genuine Territorial status and the constitutional amendment is on that account rejected we shall delay indefinitely the securing by the District of the real rights and powers of the American Territory and later the national representation of a quasi State.

It is hard to understand why either any Washingtonian or any Congressman who has read the constitutional amendment should oppose it, since it creates no new State, increases the powers of Congress in respect to the Capital and does not diminish in the slightest the Nation's power through Congress to control the National Capital and the Nation's corresponding obligation to do financial equity in the upbuilding of the Nation's city.

Washington applies to two-thirds of Congress to empower Congress, whenever Congress pleases, to give national representation to District residents, and to give first to the seat of Government the same possibility of national representation that Hawaii and Alaska now possess.

What Washingtonian can be imagined as opposing this amendment, which dignifies and exalts his American status and arms him with a certain power which belongs to him as an American, and neither inflicts nor threatens any injury to anybody?

Why should any Senator or Representative oppose an amendment which merely extends an existing power of Congress on logical and equitable lines and which simply empowers Congress to correct a political inequity whenever it sees fit to do so?

Surely Congress will not hesitate or delay in cooperating to give to itself by constitutional amendment the power at the right time to cure the evil and shame of completely nonrepresentative government of the seat of government of the great American Republic.

DO WE WANT HERE IMPOTENT VOTES?

VOTELESS DISTRICT DELEGATE OF DUBIOUS VALUE AS FORERUNNER OF REAL REPRESENTATION AND HURTFUL AS SUBSTITUTE—WITHOUT CONSTITUTIONAL AMENDMENT, NO POSSIBILITY OF VOTING REPRESENTATION.

Theodore W. Noyes.

Editorial correspondence of the Star.

[Star, Dec. 9, 1921.]

I.

Some able and enthusiastic supporters of the proposed constitutional amendment, which empowers Congress to give the District national representation, believe that the easiest way to secure such representation is, as a preliminary, to obtain for the District a voteless Territorial Delegate. Other advocates of our constitutional amendment, equally able and enthusiastic, are convinced that the Territorial Delegate project delays and tends to defeat the real national representation proposed by the constitutional amendment.

For example, the District Delegate Association contends that a voteless Delegate is good in itself as far as it goes, and is a helpful preliminary to real national representation. The directors of the board of trade pronounce the voteless Delegate "a small and negligible fraction of a Territory's powers and privileges," grant of which now "would indefinitely postpone and tend to defeat the securing of genuine national representation," being treated by many legislators "as satisfaction in full of the District's claim to real national representation." The voteless Delegate is urged on the ground that half a loaf is better than no bread, and is rejected on the ground that it is no "bread" at all; that as petitioners for national representation we have asked for bread and are offered a stone.

FOR BREAD OFFERED A STONE.

The Territorial Delegate issue was one in respect to which we Washingtonians found ourselves seriously divided in 1916, and is among the issues which, in creating the citizens' joint committee on District national representation, we agreed to defer temporarily in order that, irrespective of our divisions on other issues, we might unite in support of the constitutional amendment. But all of us who favor real national representation for the District are, I believe, unitedly and vigorously opposed to the delegate proposition as a substitute for voting representation in Congress and the electoral college.

Thus, some of us favor it as a means toward national representation; some of us oppose it as retarding national representation; and all of us reject it as a satisfaction in full of the District's claim to national representation.

The value of the voteless delegate as a forerunner is affirmed and denied. The voteless Delegate as a substitute for genuine representation is rejected as hurtful to the last degree.

The Territorial Delegate proposition of the pending bills (S. 14 and 417) can not, I think, in its present shape be considered as even a helpful forerunner of our constitutional amendment; it can not be amended so that it will be an adequate substitute for the constitutional amendment; it is inadequate to put the District, in respect to vitally important powers, upon the territorial basis; it grants even less of the territorial privilege and power than was given in the "featherduster" legislature period between 1871 and 1874.

LESS POWER THAN IN 1871.

1. In the so-called territorial government between 1871 and 1874 we had a so-called territorial legislature, with one elected branch and under that on the whole unsatisfactory government we enjoyed far greater territorial privilege than the pending bill proposes for the District of 1921, with its vastly enlarged population and resources. If in discussion of the proposition to reestablish a territorial delegate we recall to the minds of old-timers the hardships, the injustices, the humiliations, and the bitter prejudices of the period between 1871 and 1874, we should in the end be compensated by the grant of at least as large a measure of territorial representation and power as was bestowed when the District was of scanty population and bankrupt in resources.

In deciding what we shall seek in national representation we will, of course, make sure that "the game is worth the candle."

2. The pending bill gives the District none of the powers of local self-government which the Territory possesses in its legislature. With unsatisfactory results the shadow of a territorial legislature was, as we have seen, given to the District in 1871-1874; but no legislature at all is proposed for the District of 1921. No legislation comes within a thousand miles of putting the District on the territorial basis which fails entirely to give the District through a legislature some of the Territory's local self-governing power. There is no local self-government whatever in the District as long as a Congress which it does not choose and in which it is not even represented is its sole legislature, and as long as a President which it does not help to elect is its real municipal executive.

CONSTITUTIONAL AMENDMENT FIRST.

3. The pending bill fails to give the District the most vitally important of powers of the Territory, and that is the power of securing voting representation in Congress and the Electoral College by vote of a majority of both Houses of Congress and the other powers and rights of statehood. To enable the District to share even in part in this territorial power our constitutional amendment is necessary and should first be adopted, if the voteless delegate is to be even a helpful forerunner of voting representation.

4. The pending bill, by giving to the District only a voteless territorial delegate in one branch of the National Legislature grants only a territorial privilege of minor importance, almost negligible in value, to a community which but for its peculiar relation to the Nation as National Capital would be entitled not merely to all territorial powers and privileges but to those of a State.

If a few territorial privileges were adequate for the District in view of its small population and lack of resources in 1871-1874, they are not adequate for the District of 1921, with a larger population than seven States, a greater national taxpayer than 15 States, a larger contributor of soldiers and sailors to the World War than seven States, and the contributor of a larger percentage of volunteers to the total military force supplied than 43 States. Every argument by Presidents and other statesmen of the past in favor of territorial representation and privileges for the District is to-day, in the light of the changed condition, a strong and convincing argument for the fuller, higher territorial privileges and for the real voting national representation for which our constitutional amendment paves the way. Until 1870 and perhaps until 1880 the District had not the population and resources of a Territory entitled to consideration as an applicant for admission to statehood. It had not the population which each representative in the House is under the census apportionment assumed to represent.

No State admitted to the Union since 1850 (except Oklahoma) had at date of admission so large a population and so great material resources as the District now has. But the District does not seek the statehood to which population and resources entitle it; it only asks that it be put by constitutional amendment on the territorial footing of enjoying the possibility of securing voting representation in Senate and House and Electoral College by majority vote of Congress.

VOTELESS DELEGATE PROMISES NO POLITICAL FUTURE.

Thus the pending bill for a Territorial Delegate gives to the District of Columbia only a small and in some respects undesirable fraction of Territorial privilege. The voteless Delegate is a feature of the transition stage in passing from Territory to State. Its main value is to put itself out of existence by helping to convert Territory into a State. Congressmen feel little respect for a Territorial Delegate, voteless, negligible, almost impotent, unless the Territory is about to be converted into the State, and the voteless Delegate is to become soon a voting Representative, clothed with power to resent and repay the snubs and near-insults of the past. In order to put our voteless Delegate on the same footing in this respect as the ordinary Territorial Delegate, our pending constitutional amendment must be adopted.

Passage of the constitutional amendment, now pending, should thus precede any other move whatsoever with national representation in view. The passage of that amendment is necessary to make genuine representation possible through a majority vote of Congress. Without that amendment a voteless Delegate in the House is inadequate and hurtful, worse than nothing, not national representation at all. Unless the constitutional amendment is passed there is no political future following the transition period for the District.

[Star, Dec. 10, 1921.]

II.

The actual measurable benefits to be derived from a voteless Territorial Delegate are, as we have seen, very restricted, even if such Delegate is intended to be used in good faith as the helpful forerunner of voting representation. What are the disadvantages of the voteless Territorial Delegate in relation to the winning of genuine national representation to counterbalance these meager benefits? What are the conditions which threaten to make the Territorial Delegate project hurtful to the campaign for national representation through constitutional amendment, even when the Territorial Delegate project is pushed in good faith to help this campaign?

1. Voteless delegate legislation exposes the District to the risk that many legislators will treat it as satisfaction in full of the District's claim to real national representation; will use assent to it as a pretext for shelving or rejecting genuine voting national representation for the District through constitutional amendment; or will treat this grant of something negligible and almost worthless as a pretext for shirking or repudiating legislative responsibility in respect to the Capital. The immediate granting of a Territorial Delegate, coupled with the suggestion of the grant of real representation later, thus involves the danger that many Congressmen will treat the grant of a voteless Territorial Delegate, almost impotent, as a satisfaction in full of their obligation to give adequate representation to the Capital community, as a natural result of which procedure the constitutional amendment may be shelved and a voteless Delegate in one House may become the permanent substitute for adequate voting representation in both Houses.

DANGERS FROM VOTELESS DELEGATE.

2. By causing a District election before anything worth while is to be voted for, it would expose the District to the risk that the capital's voting constituency will be minimized on the showing made at such an election, and that the meager voting exhibit at such an election will be used by those who are hostile to real representation to prove that the District constituency is unfit for national representation.

Many of us believe that the real test of what shall be granted in national representation to the District is found in the national opinion concerning the quality and extent of the electorate, the voting constituency here. Many of us think that when the quality of that electorate is put to the test it should be under conditions which will give us the full benefit of all that is valuable in the present make-up of our capital community; that will attract as voters in the District practically all the high-grade Americans residing voluntarily in the capital. Those of such Americans who enjoy the voting privilege in the national elections in the States will be slow, many of them, to surrender that right merely to vote for a voteless Territorial Delegate, when they would surrender readily that right if they might vote in the District as in a State for Senators, Representatives and presidential electors.

WARNING OF TERRITORIAL EXPERIENCE.

Moreover, voting for a voteless, almost impotent Delegate in the House will tend to disclose by the results of the election the political and partisan status or leanings of the District. After this disclosure is made the Territory seeking admission to statehood, whatever its population and resources, has, as a matter of historical record, had difficulty in securing even the majority vote of both Houses which is necessary to admission to statehood. Partisan opposition, which has seriously delayed the admission of even meritorious Territorial candidates for statehood by majority vote of Congress, would be absolutely fatal to the grant of national representation if, as in the District's case, lacking our constitutional amendment, a two-thirds vote of both Houses, instead of merely a majority, had to be secured.

From this reasoning there develops conviction of the wisdom and expediency of preventing a test vote as to the size and character of the District constituency until something really worth while can be proposed to be voted upon which will develop the fullest participation in voting by residents of the District that it is possible to secure.

SHELIVING REAL REPRESENTATION.

3. The District would be exposed to the risk that the Territorial Delegate project will be viewed as an alternative proposal of District national representation, more easily to be secured, and, therefore, to be preferred for present advocacy; and that,

as a result, immediate attention will be given to the Territorial Delegate project and the constitutional amendment, as difficult to secure, will be shelved, temporarily or permanently.

We protest against viewing the Territorial Delegate proposition as a measure of genuine national representation on the same footing, except in degree, as voting representation under our constitutional amendment, but easier to be secured and therefore to be preferred. In our opinion there is in a District voteless Delegate no atom of national representation and no promise of such representation.

To suggest a voteless Territorial Delegate for the District, unless simultaneously by constitutional amendment the power is given to Congress, in its discretion, to convert the Territorial status into that of approximate or partial statehood, is a mockery. So-called representation by delegate without voting power, and, in the case of the District without the promise or possibility of future voting power, is not real American representation at all.

Mr. NOYES. Another objection often urged is that the forefathers and constitution-makers intended by the exclusive legislation provision that the future residents of the Federal District should never participate in the National Government; that their political status is unchangeable, their political impotency forever incurable; that their voteless un-American condition was voluntarily accepted by them more than a century ago and is not therefore through all eternity to become at any time a reasonable subject of complaint.

Are we forbidden by loyalty to the venerated forefathers to contemplate change in the political status of the District resident by the declaration that the Washingtonian's condition was unalterably fixed at the beginning of the Republic by the 10 miles square provisions of the Constitution, and that what he was after the Maryland cession he is now and ever shall be?

No. The century old surrender of the American birthright of national representation was only for a time and not for all time. Doubtless the forefathers intended that Congress should for the Nation control the National Capital forever, or as long as the Republic endures; but clearly they had no intention of barring the District forever from being a part of the Nation politically and from participating in Congress and the National Government which is to exercise this exclusive control.

Exclusive control of the Capital by Congress is declared by the Constitution, but there is no prohibition, direct or indirect, against future representation of the District in the Congress which is to exercise this exclusive control.

The Marylanders and Virginians who were marooned in the District were too few in numbers to be represented on a State footing in Congress as a separate community, and having lost their rights as Marylanders and Virginians they were never for three-fourths of a century in a position of population and resources to ask consideration as a distinct community. But the Constitution does not prohibit such request, or a favorable response to it, when the changing and changed conditions justify it. There is no solid foundation for the charge that the District, when nearly uninhabited, voluntarily resigned its right of distinct representation and irrevocably adopted the whole body of Congress, including its bitter enemies and its lukewarm friends, as the perpetual representatives of its interests.

What was the intent of the framers of the Constitution as to the future political status of the people of the District?

Very likely they had no distinct intent and gave no thought at all to provision concerning the future status of the imaginary population of a hypothetical city. If they thought at all on the subject they probably thought that in giving Congress power to admit new States, and to dispose of and regulate territory belonging to the United States they had cared for any future population of the Nation's city, just as by these provisions they had arranged for the political future of every other American in the entire territorial area of the United States, present and prospective.

If they did not think at all about the future status of a bit of territory which might under the Constitution be so small in size that its population would never be otherwise than negligible, it was because they were engaged in a desperate struggle to overcome deadly political dangers of the strenuous present and to get 13 jealous, wrangling communities, that were equal in the federation that had broken down, to make the sacrifices necessary to create the American Union. At times the task seemed almost hopeless. Consider, for example, the conflict over the issue of State equality of representation in the Senate. This equality was denied by the convention, and denied again; but finally was granted as an indispensable condition of securing adherence to the Union of certain small States. It was granted grudgingly by the vote of five States against four, with one State divided. The convention emphasized the fact that this concession was wrung under a sort of duress by certain small States by refusing to declare in the Constitution itself that new States should enter the Union on terms of

equality with the old States. The debates in the convention show clearly that equality of Senate representation was granted under compulsion only to existing States, small and large, and that so far as the Constitution is concerned full liberty of action was reserved to Congress to negotiate the terms of entrance of new States into the Union. The Constitution makers did not know from day to day whether there would be a Union. Disturbed and distracted over this vital problem, they may be forgiven if they forget to project themselves into the future in order to provide properly for the American rights in the remote future of a Territory which had no minimum limit of area, and which might be so small as not to be able ever to secure more than the most meager and negligible of local populations.

The other alternative is that the constitution makers did think of the future rights of the possible capital community, and believed that they had safeguarded these rights, if any ever developed, by the power given to Congress to dispose of and to regulate territory belonging to the United States and the power to admit new States, coupled with the free hand given to Congress by the Constitution concerning the terms upon which new States might be admitted, enabling Congress, if it wished, to admit a new State with its consent which was not on equal terms with the other States, and which had not even equal representation in the Senate.

Senator SHEPPARD. And they left the Constitution open to amendment?

Mr. NOYES. Yes. I think, too, that the Constitution itself, interpreted by the debate that accompanied the framing of it (in spite of the fact that Congress has admitted all new States on terms of equality, except perhaps Utah), indicates that the Constitution-framers left it in such condition that Congress had a free hand, and that if our request for national representation had come up before a particular construction had been given to the Constitution by the admission of many States on terms of perfect equality with the original States, it would have been possible to admit without any constitutional amendment the seat of government as a new State, a peculiar State, a State without equal representation with its consent. If there could be a State without equal representation in the Senate, of course, there could be a State with its own consent that was limited in any other regard.

The Constitution makers may have thought that these provisions of the Constitution were broad enough to enable Congress to do political equity to any future population of the seat of government, by giving that population, when its numbers justified the step, national representation by constitutional amendment or in some other way not inconsistent with the exclusive legislative power of Congress in respect to the Federal District.

I have here in this connection some extracts from Elliot's Debates on the Federal Constitution, to which I should like to call your attention.

ELLIOTT'S DEBATES ON FEDERAL CONSTITUTION, VOLUME 5.

Page 316. After being repeatedly defeated, proposition of equality of vote in Senate was finally adopted by vote of five States (Connecticut, New Jersey, Delaware, Maryland, and North Carolina) with four opposed (Pennsylvania, Virginia, South Carolina, and Georgia) and Massachusetts divided.

Page 492, article 17, provision for admission of new States—under consideration:

Mr. Gouverneur Morris moved to strike out the last two sentences to wit: "If the admission be consented to the new States shall be admitted on the same terms with the original States. But the legislature may make conditions with the new States concerning the public debt which shall then be subsisting." He did not wish to bind down the legislature to admit Western States on the terms here stated.

Mr. Madison opposed the motion, insisting that the Western States neither would nor ought to submit to a union which degraded them from an equal rank with the other States.

Col. MASON. If it were possible by just means to prevent emigration to the western country it might be good policy. But go the people will as they find it for their interest; and the best policy is to treat them with that equality which will make them friends, not enemies.

Mr. Gouverneur Morris did not mean to discourage the growth of the western country. He knew that to be impossible. He did not wish, however, to throw the power into their hands.

Mr. Sherman was against the motion and for fixing an equality of privileges by the Constitution.

Mr. Langdon was in favor of the motion. He did not know but circumstances might arise which would render it inconvenient to admit new States on terms of equality.

Mr. Williamson was for leaving the legislature free. The existing small States enjoy an equality now (under confederation) and for that reason are admitted to it in the Senate. This reason is not applicable to new Western States.

On Mr. Gouverneur Morris's motion for striking out nine States (New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, and Georgia) voted aye, and two (Maryland and Virginia) voted no.

Page 497. Mr. Gouverneur Morris moved: "The legislature shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, etc." Agreed to, Maryland alone dissenting.

Adopted. Ten miles square provision; seat of government; nem. con. (See p. 511.)

Page 553. Mr. Gouverneur Morris moved to annex a further proviso, "That no State without its consent shall be deprived of its equal suffrage in the Senate." This motion, being dictated by the circulating murmurs of the small States, was agreed to without debate, no one opposing it or on the question saying no.

Page 357. Luther Martin of Maryland voted against Senators' votes per capita, "as departing from the idea of the States being represented in the second branch."

Page 374. Discussion without action of question of location of seat of government.

Col. Mason observed that it would be proper as he thought that some provision should be made in the Constitution against choosing for the seat of the General Government the city or place at which the seat of any State government might be fixed. There were two objections against having them at the same place which without mentioning others required some precaution on the subject. The first was that it tended to produce disputes concerning jurisdiction. The second and principal one was that the intermixture of the two legislatures tended to give a provincial tincture to the national deliberations. He moved that the committee be instructed to receive a clause to prevent the seat of the National Government being in the same city or town with the seat of government of any State, longer than until the necessary public buildings could be erected.

The idea was approved, but policy of making enemies of Philadelphia and New York was questioned and motion was withdrawn.

Mr. Butler was for fixing by the Constitution the place, and a central one, for the seat of government.

In course of debate one delegate suggested that equality of State representation in one legislative body did not make government representative of States when under veto power one-third legislative power in a President who came from only one of the States. Even in Senate Senators vote per capita.

Mr. NOYES. How did the forefathers who were the contemporaneous defenders of the new Constitution interpret the exclusive legislation provision in its bearing upon the rights, present and prospective, of residents of the Federal District? What was their intent in respect to the future inhabitants of the seat of government? Hamilton, Madison and Jay in the *Federalist* analyze minutely and defend ably and brilliantly the provisions of the new Constitution. In No. 42 of the *Federalist* Madison has this to say of the rights of the people of the seat of government under the exclusive legislation clause:

"And as it [the Federal District] is to be appropriated to the use with the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; and as the authority of the legislature of the State and of the inhabitants of the ceded part of it to concur in the cession, will be derived from the whole people of the State in their adoption of the Constitution—every imaginable objection seems to be obviated."

Madison does not treat the residents of the Federal District as deprived of American rights. He suggests, first, that the ceding State or States will in the compact safeguard these rights, just as the States did in ceding western territory and as France did in ceding Louisiana.

And this, too, must have been in the minds of the Constitution framers, that if by any chance they had not covered the case completely, the ceding States would see to it that the American rights, present and prospective, of the persons within the ceded territory were protected. It would seem that the prospective rights of the residents of the District were not thus safeguarded by Maryland and Virginia; but it ought to be assumed that what a foreign nation like France did in ceding its territory to the United States, in the way of reservation of rights, would be taken for granted as tacitly and impliedly done in a cession from one American State to the American Union.

Second, that the inhabitants at the time of cession will have had their voice in the election of their National Government; and, third, that they will of course have their own municipal legislature for local purposes.

Madison's idea was that the community should have a local elected legislature, and it did have a shadowy imitation of municipal self-government for nearly three-quarters of a century. In the beginning the Nation had no great property interests at the Capital which required it to control the local government in self-protection.

At that time it was the impecunious partner, the beneficiary of patriotic charity. It had at the Capital only what was given it in jurisdiction and money contributions by Maryland and Virginia and in land by the individual owners of the soil. The proceeds of sales of part of the lots thus donated much more than paid the cost of the public buildings.

Conditions have changed. The National Government is now a very large property owner at the Capital and a half taxpayer (or a 40 per cent taxpayer). It feels that for the protection of its interests it must dominate the local government.

Under these changed conditions the local legislature, which, according to Madison, would, of course, be granted to Washingtonians, has been denied.

According to the construction which the courts in the two cases cited this morning have put upon the Constitution, Congress has no longer the power to grant a real local legislature to the District. So that it seems to me our task must be, after we get what we are entitled to in national representation, to frame a case to be carried to the Supreme Court of the United States, which will either reverse or modify those decisions in respect to the drastic limitation which they impose upon the power of Congress itself. The opinion is strong among our leading lawyers that when such a case is brought up in that way a different decision from that reached in the *Van Ryswick* and the *Stoutenburgh* cases would be secured.

The conditions have also changed in respect to the local community as an applicant for representation in Congress and the Electoral College. The feeble population of the infant Capital was denied representation because these few men were no longer Marylanders or Virginians, and because they were not in sufficient numbers to entitle them to distinct independent representation. It was indicated in a congressional debate in 1800 that the Constitution might be amended to give them representation in the General Legislature when their numbers should become sufficient. Madison meets the objection of lack of representation by the suggestion that in voting the cession "they will have had their voice in the election of the Government which is to exercise authority over them."

This suggestion applies, however, only to the original inhabitants of the 10 miles square who voted for cession and not to their successors, who have had no voice, as alleged in the selection of such government—unless, indeed, the few original inhabitants, when the District was almost uninhabited, could so assent to nonrepresentation for themselves as to bind all future Washingtonians, though they might grow to a million in numbers and might surpass a dozen of the States in all characteristic elements of the American Commonwealth.

That intent was indicated by the forefathers—national legislators and others—as to the future Washingtonians when in 1800 the District was occupied by the Nation as the seat of government.?

See speech of Representative Dennis in 1800: "If it should be necessary the Constitution might be so altered as to give them a delegate to the General Legislature when their numbers should become sufficient."

In 1801 A. B. Woodward in pamphlet publication proposed a constitutional amendment for this purpose.

In 1803 it was proposed to retrocede to Virginia and Maryland the portions of the District which they had ceded. Among the reasons assigned for voting down the proposition—66 to 26—was this: "The evil may be remedied by giving them a Representative in Congress when the District shall have become sufficiently populous, and in the meantime a local legislature." (Tindall in "Origin and Government of the District of Columbia," pp. 77 and 78.)

Perhaps the forefathers and Capital founders may appropriately be typified for the purposes of this discussion by George Washington. What did the Father of his Country and the father, also, of the Nation's city, have in mind in respect to the National Capital and the people who should live in it?

Was the Nation's city to be limited in area to the ground absolutely necessary for the public buildings and the governmental activities? No. As the Federal District was created of the largest area that the Constitution permitted, so in respect to the area of the Nation's city George Washington suggested in one of his letters that the Capital of the United States should be as much larger than Philadelphia as the United States was larger than Pennsylvania. In 1791, commenting upon the area covered by Phila-

delphia, he inquired suggestively of the Commissioners of Washington: "If the metropolis of one State occupied so much ground, what ought that of the United States to occupy?"

Was this extensive city to be devoted solely to governmental activities? No. Washington was located on its Potomac site, and a canal connecting the Potomac with tributaries of the Ohio was projected and built in the expectation that the new city would become "the greatest commercial emporium of the country."

Was this extensive capital area to be uninhabited except by temporary Government employees, by those catering to their needs, and by other transients? No. In 1796 Washington said prophetically of the population of the Capital that a century hence if the country kept united, the Capital would be "though not as large as London, yet of a magnitude inferior to few others (cities) in Europe."

Was this great population peopling an extensive and magnificently planned city, with its broad streets and avenues, its parks and its numerous and imposing public buildings, to be un-American in status and politically alien? Who believes it? Who by any stretch of the imagination can conceive it?

Washington's idea was that the Capital should be a Federal city, developed by the Nation and subject to its control, but it was not his idea that it should be without people or that its people should be politically defective and delinquent Americans. Its grand framework indicates the expectation of a large population. Washington's imagination covered the fair fields and wooded hills of his namesake city with the homes of a numerous, busy, and happy people, a people not aliens politically and less than aliens judicially, but clothed with all American rights not absolutely inconsistent with the fostering control by the Nation of the Nation's Capital.

George Washington's magnificent material city, with its parks, avenues, buildings, and monuments, is developing before our eyes. But the Nation has not correspondingly developed on American and equitable lines the political and judicial status of the people who live in the material city. Our constitutional amendment tends to correct this omission and to remedy this neglect.

I thank you heartily, Mr. Chairman, for your patience and courteous consideration.

Senator SHEPPARD. Your presentation has been very comprehensive and very instructive.

Let me ask you this question: Has the possible population of the District ever been estimated by anybody?

Mr. NOYES. The remote future population?

Senator SHEPPARD. Yes; in anything like the next 40 or 50 years?

Mr. NOYES. There is space here for at least a million. We have been working up to the half million mark. That was the goal. I think we will pass that reasonably soon. There is no reason, taking into account the conditions on which the growth is based and the area still sparsely inhabited, why we should not have in the not distant future at least a million population here.

Senator SHEPPARD. Within about what time?

Mr. NOYES. That depends upon conditions, Senator. We have had a reasonably stable annual increase of population, but every war multiplies that percentage of increase. So that when we shall reach what we would now set as the maximum of a million would be dependent upon conditions in the intervening period.

Mr. BRANDENBURG. I understand there has been estimated that we can take care of 2,000,000.

Mr. NOYES. We could. We have heretofore had a half million as our goal and now a million is our goal. Who can say that when we attain the million, two millions will not be the goal?

Senator SHEPPARD. In accordance with the suggestion of the chairman, the committee will stand adjourned until 2 o'clock to-morrow afternoon.

(Whereupon, at 3.15 o'clock p. m., the committee adjourned, to meet again on Friday, the 13th day of January, 1922, at 2 o'clock p. m.)

SUFFRAGE IN THE DISTRICT OF COLUMBIA.

FRIDAY, JANUARY 13, 1922.

UNITED STATES SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C.

The committee met, pursuant to adjournment, at 2 o'clock p. m. in the committee room, Capitol, Senator L. Heisler Ball presiding.

Present: Senators Ball (chairman), Jones of Washington, and Sheppard.

The CHAIRMAN. The committee will come to order. My understanding is that we are to hear first this morning from Mr. Adriaans.

STATEMENT OF JOHN H. ADRIAANS.

Mr. ADRIAANS. Mr. Chairman and gentlemen of the committee, the three bills which are now pending before this committee for consideration and action are first, Senate joint resolution 133, Sixty-seventh Congress, first session, known as the Jones constitutional amendment, which provides for inserting after section 3, Article IV, a limited statehood provision for the District of Columbia. This is similar to House joint resolutions 11 and 32 of the Sixty-sixth Congress, third session, whereon hearings occurred January 11, 12, and 15, 1921, serial No. 22. At pages 178, 179, and 180 of that hearing my statement before that committee will be found, in which I gave very valuable information concerning the origin of the District as bearing on the present political status of the District.

The second bill pending before the committee is Senate bill 14, of the Sixty-seventh Congress, first session, known as the Poindexter bill, which provides for a voteless Delegate for the District.

The third bill, also pending, is Senate bill 417, of the Sixty-seventh Congress, first session, known as the Capper bill, which provides for the election of two Delegates for the District of Columbia to the House of Representatives, and also provides for the election of commissioners for the District, for the election of the public utilities commission, and for the election of a board of education.

At the inception of this broad subject it is appropriate to go back to the early history of this country to find out how the anomalous situation that exists in this District occurred. As we all know, the Proclamation of Independence was dated July 4, 1776. The Constitution of the United States became effective March 4, 1789. During this interval of 13 years the Congress was without a fixed home or seat of Government. The experience gained by the Congress during sessions held in Philadelphia, New York, Princeton, and York, Pa., indicated the absolute need of Congress having a fixed place of meeting wherever it should have exclusive legislation and jurisdiction without control of local legislative interests.

The sovereignty over and in the title to the land was conveyed by Maryland and Virginia to the Congress to become a seat of Government. The sovereignty over the area conveyed was 64,000 acres, of which 19,680 acres were reconveyed to Virginia, leaving the present area 44,300 acres.

To pass the legislation under consideration would defeat the very intention of the framers of the Constitution, as the Jones legislation would indirectly and by implication repeal clause 17, section 8, Article I of the Constitution, with which it is inconsistent.

The ends sought to be achieved by the legislation under consideration are inhibited by the clause of the Constitution giving Congress exclusive legislation over the seat of the Government. The clause of the Constitution providing for the creation of new States does not contemplate pseudo States or transforming the seat of government into a State. By Article V every State must have equal suffrage in the Senate.

"One or more Senators" are the words used in the Jones bill, and are indefinite and would create a hybrid State. To allow the District of Columbia one or more

Senators would create a situation not provided for in our Constitution. We have States, Territories, and a seat of government with appropriate incidents to each. The District is neither a State nor a Territory, but is the seat of the Federal Government. If any alteration in our local government is to occur, it must be by changing the clause of the Constitution providing exclusive legislation by Congress thereover. If the District is to become a State it should have equal suffrage in the Senate with any other State. If it is not to become a State, it is entitled to no representation in the Senate or in the House except by Delegate.

The sovereignty over Alexandria in the title to the land was ceded by Virginia to the Federal Government. Sovereignty over Georgetown and contiguous territory was ceded by Maryland to the Federal Government and not the title to the land. That Washington and the other founders of our present form of government should desire the establishment of a large and useful city here is consistent with the intention that the sovereignty thereover was, however, in the Federal Government.

The act of Congress of 1802 permitted a form of suffrage here which was deemed to be harmonious with the constitutional provision giving Congress exclusive legislation here. This act was repealed in 1874 for reasons appearing in the incidents thereof. The same clause which has operated to deprive the District of Columbia of suffrage has also had the effect of producing a disproportionate disposition of political power in each State, which problem now confronts the House of Representatives in the reapportionment of Representatives.

That the constitutional provision for creating States means full-fledged States and not pseudo States is apparent by reading the section. Section 3 of Article IV reads as follows:

“New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.”

That clause has been construed by the courts in the following cases; *Insurance Co. v. Canter* (1 Peter. 511), *Pollard v. Hagan* (3 Howard, 212), *Cross v. Harrison* (16 Howard, 164), *Benson v. United States* (146 U. S., 325), *Ward v. Race Horse* (163 U. S., 504), *Bollu v. Nebraska* (176 U. S., 83), *Louisiana v. Mississippi* (202 U. S., 1), *Light v. United States* (220 U. S., 523), and *Coyle v. Oklahoma* (221 U. S., 559).

It is true that the Jones amendment provides an additional section to this clause so as to permit the Congress to determine whether or not the District of Columbia should have a statehood status which would add to the power provided by that Article IV.

Each one of the 35 States that has been admitted to the Union since the original Thirteen Colonies were transformed into States has come in under this section, and each one of them has absolute autonomy with local legislative power, with representation of two Senators from each State, with representatives according to the population, and with representation in the Electoral College according to the number of Representatives plus the number of Senators.

To place the District of Columbia, therefore, on an equal footing with one of those States, it would have to come under that clause of the Constitution, and, as I have already indicated, each of the 35 States which has so come in under that clause has received full autonomy and stands on equal footing with the original 13 States. So that to create for the District of Columbia a novel type of State, such as is contemplated in the arguments here, is not a proposition that is recognized in our Constitution.

Each one of those States has a governor, a legislature, and complete autonomy. Moreover, Article V of the Constitution provides for each State having an equal suffrage in the Senate. The Jones bill says the District of Columbia may have “one or more Senators,” but does not say how many more.

The exclusive legislative power of Congress over the seat of the Government would be repealed by implication. Clause 17, section 7, Article I, of the Constitution reads as follows:

“To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, arsenals, dockyards, and other needful buildings.”

The clause has been several times construed by the Supreme Court of the United States, and I cite all the cases in my brief filed before the House committee, so that by filing my brief with this committee I would not need to duplicate what I then said.

The CHAIRMAN. The information contained in that brief ought to be incorporated in our hearings, if the decisions cited are of importance.

Mr. ADRIAANS. They are important. In that statement before the House committee I was referring to House joint resolution 11, which is similar to Senate joint resolution 52 and House joint resolution 32. Those resolutions are predicated upon clause 1, section 3, Article I, of the Constitution, which provides that—

“New States may be admitted into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.”

This clause has heretofore been judicially construed in the following cases:

Construction of clause 1, section 3, Article 4: *Ins. Co. v. Canter* (1 Peter, 511), *Pollard v. Hagan* (3 Howard, 212), *Cross v. Harrison* (16 Howard, 164), *Benson v. U. S.* (146 U. S., 325), *Ward v. Race Horse* (163 U. S., 504), *Bollu v. Nebraska* (176 U. S., 83), *La. v. Miss.* (202 U. S., 1), *Light v. U. S.* (220 U. S., 523), *Coyle v. Oklahoma* (221 U. S., 559).

Clause 17, section 8, Article I of the Constitution, provides for the creation and maintenance of a seat of government, wherever Congress shall have exclusive jurisdiction. That this provision is not accidental is borne out by a clipping from the *Evening Star* of January 14, 1921, hereto attached. This clause has been judicially construed in the cases subjoined.

The framers of the Constitution apparently regarded these clauses consistent and harmonious with each other, enforceable under the doctrine in *pari materia*.

The hypothesis of the seat of government being transformed into a State, and Congress losing exclusive jurisdiction thereover, did not occur to them in drafting this clause—which is indirectly repealed by the resolutions under consideration.

If this transformation is to occur at all it should be by a constitutional amendment of the latter clause and not under the former.

Congress has heretofore legislated with respect to suffrage in this District of a type consistent with the Constitution, as will appear by a review thereof hereto attached.

Why local suffrage was repealed by the act of 1874, therein referred to, will abundantly appear by reference to the incidents thereto.

Clause 1, section 3, Article IV of the Constitution provides only for one type of State—of equal autonomy, potency, and sovereignty with any other State. Pseudo States are not contemplated therein.

Enactment of the resolutions and ratification thereof by a sufficient number of States would not better local conditions.

The resolution conflicts with Article V, which provides equal suffrage of each State in the Senate.

There can not be over the same area exclusive jurisdiction by Congress and also by a State legislature. The propositions are irreconcilable, inconsistent, and antipodal.

In connection with H. R. 13647, Sixtieth Congress, a brief was printed and is on file in the Library of Congress, designated JK1593-1908, February 28, 1908. A repeal of the act of 1874, with or without enactment of H. R. 15226, third session Sixty-sixth Congress, will accord to the citizens of the District that type of suffrage which would not conflict with the Constitution.

The legal status of this District has been considered in the following cases:

Construction of clause 17, section 8, Article I: *Riley v. Lamar* (2 Cranch (U. S.), 344), *Hepburn v. Ellzey* (2 Cranch (U. S.), 444), *Loughborough v. Blake* (5 Wheaton, 317), *Cohens v. Va.* (6 Wheaton, 264), *Ins. Co. v. Cotton* (1 Peters, 511), *Kendall v. U. S.* (12 Peters, 524), *U. S. v. Dewitt* (9 Wallace, 41), *Willard v. Presbrey* (14 Wallace, 676), *Barnes v. D. C.* (91 U. S., 540), *Phillips v. Payne* (92 U. S., 130), *Bank v. Yankton* (101 U. S., 129), *R. R. Co. v. Lowe* (114 U. S., 525), *Stoutenburgh v. Hennick* (129 U. S., 141), *Geoffroy v. Riggs* (133 U. S., 258), *Eckloff v. D. C.* (135 U. S., 240), *U. S. v. May* (2 McArthur, 512), *D. C. v. Waggaman* (4 Mackey, 328), *Eckloff v. D. C.* (4 Mackey, 572), *In re Hennick* (5 Mackey, 489).

The Constitution (signed in convention Sept. 17, 1787) provided:

“To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.” (Clause 17, sec. 8, Art. I, Constitution.)

The act of Congress approved July 16, 1790 (ch. 28, 1 Stat. L., 130), provided (sec. 2) a continuance of the laws of the State (including suffrage) after acceptance, until Congress shall otherwise by law provide.

The act of Congress amendatory of above was approved March 3, 1791 (1 Stat. L., 214).

The Maryland act of December 19, 1791, makes cession of the Territory of Columbia and the city of Washington to the Federal Government (Kilty's Md. L., vol. 2, 1785-1799).

The Maryland act of December 23, 1792 (ch. 59), was amendatory of above act, which was further amended by Maryland act of December 28, 1793 (ch. 58).

The act of Congress of May 6, 1796 (ch. 21, 1 Stat. L., 461), provides the mode of government for this District.

The act of Congress approved February 27, 1801 (2 Stat. L., 103), and the act amendatory thereof approved March 3, 1801 (2 Stat. L., 115), provide a government for the District of Columbia.

The act of Congress of May 1, 1802 (ch. 41, 2 Stat. L., 175), provides for appointment of a superintendent.

The act of Congress of May 3, 1802 (2 Stat. L., 195), provided suffrage for the white male inhabitants of the District. This act was deemed by the framers of the Constitution as compatible with, and not antagonistic to, clause 17, section 8, Article I, of the Constitution, although it did not accord full presidential suffrage as it exists in the States. To bring about the latter result could only occur through an amendment of this clause (relating to the seat of Government) of the Constitution, of which the probability is exceedingly remote, since it is doubtful whether Congress would assent to the transformation of the District of Columbia into a State.

The act of Congress of March 3, 1803 (ch. 29, 2 Stat. L., 235), provides for management of District.

The act of Congress of July 9, 1846 (9 Stat. L., 35), provided a referendum as to whether the Alexandria portion of the District should be retroceded to the State of Virginia. The proclamation of the President dated September 7, 1846 (9 Stat. L., 1000), recites approval on the referendum by the people.

The act of Congress of March 4, 1855 (10 Stat. L., 642), provided a referendum to the people on the adoption of a codification of the laws, which became obsolete because rejected by the people. (See proclamation of President, Dec. 24, 1857, 11 Stat. L., 704.)

The act of Congress of May 20, 1862 (12 Stat. L., 403), prescribed the qualification of voters in the District of Columbia.

The act of Congress of July 14, 1862 (12 Stat. L., 565), directed that the District be regarded as a congressional district for purposes of appointment to the Naval Academy.

The act of Congress of January 8, 1867 (14 Stat. L., 375), passed over the veto of the President, provided indiscriminate elective franchise in the District, both white and Negro.

The act of Congress of February 5, 1867 (14 Stat. L., 390), punishing illegal voting in the District.

The act of Congress of March 29, 1867 (15 Stat. L., 27), providing compensation for judges of election in the District.

The act of Congress of June 27, 1863 (15 Stat. L., 81), relating to contested elections.

The act of Congress of March 18, 1869 (16 Stat. L., 3), providing equal civil rights in the District, regardless of racial differences.

The act of Congress of June 21, 1870 (16 Stat. L., 159), providing the eligibility of judges of election in the District.

The act of Congress of February 21, 1871 (16 Stat. L., 419), creating the legislative assembly for the District, providing a referendum on questions of public debts and taxation.

The act of Congress of May 8, 1872 (17 Stat. L., 86), relating to conflicting provisions of acts of legislative assembly with acts of Congress.

The act of Congress of June 20, 1874 (18 Stat. L., 116), abolishing the form of government in the District.

The act of Congress of June 11, 1878 (20 Stat. L., 102), creating a commission form of government in the District.

Since the House hearings there are some new questions which have been developed which I would like to get into the record of the hearings before the Senate committee. It has been decided by our courts that repeals by implication are not judicially favored. My contention is that if the Jones bill should become a law it would be an indirect repeal of this clause to which I have just referred, clause 1, section 3, of Article I of the Constitution.

In that connection I desire to refer to a recent case in the United States Supreme Court entitled *Evans v. Gore* (253 U. S., 245), where a question came up under the income-tax amendment, and it was construed by the Supreme Court of the United States that where there was an amendment to the Constitution and it was apparently

in conflict with an existing provision of the Constitution, the two should be harmonized so as not to conflict with each other. That has especial reference to the case now under consideration, because there would be a conflict if the Jones bill were enacted and made a part of the organic law of the land. In other words, it would be inconsistent with this provision for exclusive legislation by Congress.

The constitutional amendment should be as to the clause giving Congress exclusive legislation here. In other words, if there is any alteration to be made with respect to the mode of government in the District of Columbia it should be as to clause 17 of section 1, Article I. That is the clause that needs amendment if the Congress is of the opinion that any legislation is necessary to alter the conditions here. In that event, that should be the clause which should receive the attention of the Congress.

The proposed legislation is a step in the direction of ultimate autonomy here which the framers of the Constitution intended to prevent. It has been argued here at great length and with great ability that this is only a step in the direction of doing something for the District, but if the Congress finds that the first step leads to the second step and the second step to the third and the ultimate aim is to enable the Congress to give some form of representation to the District of Columbia in the Congress, and the Congress can see now that this situation is undesirable, it would not be necessary even to take the first step if the Congress can see that the objective point is something that is undesirable.

In that connection we are not in any way doubtful as to what the framers of the Constitution intended, because their action was entirely clear. The act of Congress approved July 16, 1790, provided a continuance of the laws of the States including suffrage after acceptance "until Congress shall otherwise by law provide." I take it that the intention of the framers of the Constitution is very clear that they meant to give to the citizens of Virginia and Maryland a continuation of their statutes until Congress should, after acceptance of the territory, provide otherwise. Congress did provide otherwise later on. This was a step in that direction.

As I have said, the act of Congress amendatory thereof was approved March 3, 1791. The Maryland act of December 19, 1791, makes cession of the territory of Columbia and the city of Washington to the Federal Government. I have given all the references where these may be found.

The CHAIRMAN. There is no need to repeat them, then.

Mr. ADRIAANS. I am just drawing attention to the fact that it was argued here yesterday before this committee that the framers of the Constitution left it in doubt as to whether or not some form of suffrage should prevail here and in answer to that argument on yesterday I am attempting to show that they do it very clearly in my mind. That question was presented yesterday by Mr. Noyes and I hope I may be permitted again to call your attention to the proof that such a doubt should not exist.

The Maryland act of December 23, 1792, was amendatory of the Maryland act of December 19, 1791, which was further amended by the Maryland act of December 28, 1793. The act of Congress of May 6, 1796, provides the mode of government for the District of Columbia. The act of Congress approved February 27, 1801, and the act amendatory thereof approved March 3, 1801, provide a government for the District of Columbia. The act of May 1, 1802, provides for the appointment of a superintendent in the District of Columbia. The act of Congress of May 3, 1802, provided suffrage for the white male inhabitants of the District.

I wish to call your attention to this latter act because if it is taken in connection with the other act which I have mentioned, to wit, the act of July 16, 1790, you will see that there is a connection between those two acts; in other words, that the Congress intended, before taking over the territory, that those citizens of the two States which were to cede a part of their territory to become the seat of the Government, should have and retain the status that they then had until the Congress should otherwise direct. Then in 1802 the Congress did otherwise direct by providing a mode of government in this District and providing limited voting in the District which was deemed to be consistent with the clause of the Constitution giving the District exclusive legislative power in the District.

I say that if there is any type of suffrage that is possible in the District it is to be found in the act of 1802. If that act were reenacted or the repeal of that act were provided, it would be regarded as consistent with that clause of the Constitution which provided that the Congress should have exclusive jurisdiction in the District.

We operated under the act of 1802 until 1874, and for 72 years we had no cause of complaint. We had local autonomy. We had mayors, we had boards of aldermen, we had common councils, we had a levy court. Later on we had a legislative assembly. It was provided that no public debt should be created and no liability should be created except there was a referendum to the people, and in every way when it came to the question of re-ceding the part of Virginia which Virginia had ceded, it

was provided that there should be a referendum to the people. There was a referendum, and the proclamation of the President of the United States indicated that the referendum was approved. When there was a compilation bill provided, there was a referendum as to that, and the proclamation of the President of the United States recited that this proposed compilation had been defeated by the voters of the District, and therefore had not become a part of the law of the District.

So there was recognition by the Congress of the United States from 1802 to 1874 that, notwithstanding the provision in the Constitution for exclusive legislative power by the Congress over the seat of the Government, yet that provision was consistent with some form of local autonomy in the District. For 72 years we had some voice in our local affairs.

In 1867 the Congress passed a bill providing for Negro suffrage in the District. President Andrew Johnson vetoed that. It was passed over his veto. For seven years we had an experimental trial of mixed suffrage. In 1874, or about that time, there was a substantial unanimity among the property-owning classes of the District that that type of suffrage was not desirable, and the Congress abolished suffrage here. The consequence was it led to an organic act of July 11, 1878, under which we have since been operating.

That, in brief, is the history of the District, and for these reasons if, under the existing conditions, there was a restoration of suffrage, either under the Capper bill or under the Jones constitutional amendment, or under the Poindexter bill, we would be confronted with the same situation that exists now.

I remember when I came to Washington in 1872 we had a legislative assembly on Pennsylvania Avenue opposite the Botanical Gardens. We called it the "Feather duster" legislature because even the feather dusters were not safe. They would steal anything they came upon that did not have a padlock and chain attached to it. There was such an utter recklessness in the exercise of the legislative power, such an absolute disregard of any property rights, that the people, without regard to political affiliation, asked the Congress to abolish suffrage here. If there were a restoration of suffrage, I can not see but what there would be a restoration of that condition. As between that condition and the present condition, I prefer the present condition.

I thank you very much for your kindness in permitting me to go over this subject. By the way, while I am on that subject, may I say further that for several years of my life I have been studying the question of the legality of the Negro amendments, constitutional amendments 14 and 15, and from the standpoint of a lawyer I have reached the conclusion that they were never legally adopted. I filed a brief to that effect, of which I have a copy here and would be very glad to put it in the record, in which I questioned the legality of those amendments.

That brief was presented to the Supreme Court of the United States in 1913 in the case of *Guinn and Bell v. The United States*. The question was left undecided, so that to-day this question of legality of those Negro amendments is an open question. Indeed, anybody who would read the proclamation of Secretary Seward of July 21, 1868, in which he proclaimed the fourteenth amendment, would have very little doubt that that Republican Secretary reached the conclusion that in his judgment that amendment was void. The question that he raised I also raised in my brief. Those questions are to-day undisposed of and we do not know at the present time whether those amendments are genuine or not. I incline to the belief that they are not genuine.

There is a very peculiar situation in that connection——

Senator JONES. How are they involved in this proposition?

Mr. ADRIAANS. Because the District of Columbia has lost its right of autonomy, due to the question of giving the Negroes the right of franchise.

Senator JONES. What has that to do with the questions pending before this committee to-day?

Mr. ADRIAANS. If the negroes had the right of franchise there would be a restoration to the condition that caused the abolition of the franchise at a prior time. I say that those amendments were never legally adopted, that they are counterfeit and spurious, and that if there was a restoration of suffrage there would be a restoration of those same conditions.

The CHAIRMAN. Do you mean the constitutional amendment granting colored people the right to vote?

Mr. ADRIAANS. Of course, subject to that magnitude I could not just give all the points, but I will leave the brief with the committee.

The CHAIRMAN. I do not want any points on it, but your contention is that the negro was never properly and legally granted the right of franchise?

Mr. ADRIAANS. That is my contention; yes, sir.

The CHAIRMAN. I do not think this committee is going to thrash out that contention. The District will thrash it out if they are never granted the right of suffrage.

Mr. ADRIAANS. My contention is that it is a question that belongs to each State and does not belong to the Federal Government. When the Federal Government undertakes to describe the qualifications of the franchise, they encroach upon the power of each State.

The CHAIRMAN. This committee is not going to take up that matter. It will have no effect, I am quite sure, on any action the committee may take.

Mr. ADRIAANS. That is how we lost our autonomy in the District. I thank the committee for permitting me to make this statement.

STATEMENT OF WILLIAM McK. CLAYTON.

Mr. CLAYTON. May it please the chairman and members of the committee, I appear especially and more directly in the case representing one of the citizens' associations which very recently, following a precedent of nearly 20 years' practice, indorsed not only the resolution known here as the Jones resolution for national representation, but also the Capper and Poindexter bills, the Poindexter bill being a Delegate bill and the Capper bill providing for the election of the school board and the commissioners, as well as the board of public utilities. I am also a member of the brief committee of the National Representation Organization.

I shall at the outset, if I may do so, endeavor to deepen the impression which I think has been made on the members of the committee who have heard the arguments that this is not a fugitive or sporadic effort, it is not a manufactured effort. It is as old as the striking down of suffrage in the District of Columbia. When suffrage went out, it went out not permanently. The debates in Congress at that time all point in but one direction, and that is that it was a temporary arrangement and that in a better season, at a better time, when conditions had changed, we would have back what was esteemed a very high privilege and the same chance that other Americans have in the States, along the line of self-determination and some form of local self-government.

Let me say, however, just at this point, that there is not before the committee at this time nor has there ever been at any time, according to my knowledge, and I have been interested in the progress of this matter for many years, any suggestion or any asking on the part of the District for local self-government, that is, in the sense that we want a town council and want control of our tax money, its collection and its disbursement; nor do we care much about the legislative feature of it. In other words, all that anyone asks here of any degree or kind is simply that in the case of officers of our local government where they are appointed, they should be made elective by the people, changing simply the method of appointment.

There is no demand for local self-government, but much time has been spent upon expounding what existed under a form of local self-government which we had. There may come later on, in the years that are before us, some demand for further control, but just at this time, so far as I understand public opinion in the District, and I think I know something of it, there exists no demand at all along that line. Much that has been said is simply surplusage along that line.

Senator JONES. Is your desire to have the commissioners, the board of education, and the public utilities commission elected, based upon the incompetency of maladministration of past officials, or is it based more upon the feeling that you desire to have the people have a voice in the selection of those officials?

Mr. CLAYTON. It is based upon our experience with the officials who have been appointed. I am not specifically designating anyone, but it is based in opposition to a system that will not permit us to have anything to say about those who determine practically our course of conduct in civic matters in the District of Columbia.

Senator JONES. Let me put my question in another way. Do you think you will get better administration and better officials by election than you have had under appointment?

Mr. CLAYTON. We do. Not only that, but we believe the very men who occupy those offices to-day, were they elected instead of appointed, would be strengthened and make better officials in their particular acts. I will read to the committee a communication received from a former member of the District Commissioners, in which they themselves admit they are in doubt as to just whom they do represent and just how far they ought to go, and intimating very strongly that if they were elected by the people they would know to whom they were responsible and could act accordingly. That has been one of our problems. To apply it personally, were I appointed to an office in the District of Columbia—and I have never held office either

under the National Government or under the local Government except one or two honorary positions—and had my choice of being elected or appointed, I would, two to one, yes, three to one, take my chance to be elected, because then I would feel I could go forward and do the work with some strength and vigor and probably with a greater degree of courage than I could if I were simply an appointed officer.

Senator JONES. It seems to me the commissioners, whether elected or not, would represent exactly the same interests.

Mr. CLAYTON. Now, do they?

Senator JONES. It seems to me they should, no matter how they are put in office.

Mr. CLAYTON. That is possibly the theory, but remember that under the appointing power, and I am speaking generally, our appointments here are obtained in the manner that excludes and must exclude 99 per cent of our people from any suggestion about the appointment. They are just the character of appointments one might expect under such a system—no particular difference between those and appointments in the States, and they are carried through by little interested groups.

Senator JONES. My question was prompted by your suggestion that you had a letter from somebody in which they said they did not know just whom they represented. I think the commissioners, whether elected or appointed, represent exactly the same interests in the District of Columbia.

Mr. CLAYTON. Very recently Mr. Commissioner Oyster, in a statement before one of the school committees, stated that he represented, as he understood, the President of the United States and the Senate. He stopped just there.

Senator JONES. Then he had a misconception of what he represents.

Mr. CLAYTON. We have been told in years gone by very frankly by commissioners, and it is a matter of record, that they did not represent the people of the District of Columbia, but represented the President of the United States.

The CHAIRMAN. It seems to me in a measure this contention of yours is answered by the primary election law. If your contention is correct, a primary election law, where the candidates are elected—and I know I differ from any of my colleagues on this point—directly by the people, that the character of your representatives will be of a higher class than if selected by, as you term it, a few or by convention.

In my State we have in New Castle County, including the city of Wilmington, which is almost two-thirds of the population, various county offices which are well paid offices, paying in the neighborhood of \$5,000 a year. They are elected or nominated directly by the people. The State officers and the national officers are selected by a convention of delegates elected by the people. There is scarcely a person who has the prosperity and welfare of New Castle County at heart who would not give a great deal if the county officers of that county were selected by convention and not by direct primaries.

In the first place, there is more money spent getting in office in New Castle at the common primary than the office pays for the first two years of the term. It seems impossible to stop it. A candidate's friends come in and spend their money. There is a certain class of people controlled by these methods, and the primary election law or the selection, as you put it, by all the people, does not get representative people and people who would give, here in Washington as commissioners, as good government as those who are selected by the few or more representative power, people who know the needs of the District. I think I differ from Senator Jones on this phase of the matter.

Senator JONES. There may not be so much difference as you think.

The CHAIRMAN. I hope there is not.

Senator JONES. This is what I had in mind, Mr. Clayton: I gathered that you made the suggestion that if officials were elected by the people of the District, they would represent the people of the District?

Mr. CLAYTON. Yes.

Senator JONES. That is the very thing I do not want them to represent, exclusively the people of the District.

Mr. CLAYTON. Not exclusively, but to some extent.

Senator JONES. That is all right. We have able commissioners now representing the people of the District.

The CHAIRMAN. They have two citizens of the District now as commissioners.

Senator JONES. But this is the National Capital, and the people of the United States have to be looked after in the District of Columbia.

Mr. CLAYTON. I appreciate that there should be national representation to that extent, but I want to put this concrete instance to see just how far members of the committee will go with me in the participation of the people.

Some few years ago we had present at a banquet two commissioners and one ex-commissioner. They were all placed in office by President Wilson. Mr. Lloyd, who

appeared before you, was present at this meeting. He made the statement there, and it was a matter of record, that "if all three of you gentlemen," referring to the three commissioners then present, two acting commissioners and one ex-commissioner, "were put upon the ballot in the District of Columbia, you would not get 500 votes apiece." That was true. It was not denied, and yet those people of course in a way did represent the District of Columbia. Whether the members of this committee believe that the fewer votes the candidate for commissioner would get in the District of Columbia would make him more eligible to be commissioner, of course I do not know.

Senator JONES. I do not think we take that position. A man ought to have the confidence of the people of the District. I would like to see a man have the confidence of the District, but I think we can get men by appointment who have the confidence of the people of the District, just as you might elect them.

Mr. CLAYTON. I do not say that you can not, but in trying that plan it has often failed in the District of Columbia for some reason or other. It may be a success during a certain period of time, and then we may fall in the slough of despond later on.

Senator JONES. That is true where they are elected, too.

Mr. CLAYTON. That may be, but I would rather trust myself and my liberty and my property under an elective system than under an appointive system. I would even go so far, if I understand the basic principles of American government translated into the history of the Republic, as to say that I would rather trust myself under an elected Judas Iscariot than under an appointed Peter, James, or John. At the time of the happening I might suffer, but I could change it under an elective plan, but under the other plan I can make no change.

Senator JONES. Oh, you can change under an appointive system.

Mr. CLAYTON. How?

Senator JONES. I was not referring to the District of Columbia then.

Mr. CLAYTON. How can it be changed? We have made sporadic changes.

Senator JONES. You can change that in the States very quickly.

Mr. CLAYTON. We can not exercise that here.

Senator JONES. I did not say here, and yet it is changed here, too, every four years. Let me cite this instance that brought the matter home to me very forcibly at least once. I believe it will emphasize what Senator Ball said a while ago.

We had a primary election in our State. There were 13 candidates for nomination for a certain State office. I have been in politics in the State for quite a good while and would naturally be presumed to know probably as well as the average man the men who are running for office. But of those 13 men I only knew two, and one of those men had lacked but one vote of being expelled from office by the legislature. When I went into the booth there was the situation that confronted me. There was a list of named candidates for office. I did not know any of them but the two. As I said, one of them had lacked but one vote of being expelled from office by the legislature, so you can imagine how I voted. The man who came very nearly being expelled from the legislature was nominated.

Mr. CLAYTON. Was he elected?

Senator JONES. Yes.

The CHAIRMAN. I might add to what I have already said that we vote by districts for certain officers in the State of Delaware. Certain districts are very close. In a number of the legislative districts three and four votes control either way. We have had this situation. The other party would come in and nominate some man in that district whom they knew the better element of our party would not support. We have had that happen a number of times. That would never occur if you had those people nominated by conventions. The party's reputation depends upon the character of the personnel of its candidate. Therefore, those who are responsible for the party ought to have more say as to the representatives in office.

Senator JONES. I was heartily in favor of the primary election laws, but they grew out of conditions in the States which made them absolutely necessary. I do not say that I would be in favor of a repeal of those laws now, but I do feel they should be modified very materially and that there should be a representative body of some kind to pass finally upon the nominations.

Mr. CLAYTON. It is rather far afield for me to enter into a discussion of the relative merits of the convention and primary systems, but I do want to say that that matter was fought out in the prairies of Illinois when the Whig Party and the Democratic Party locked horns prior to the war between the States. The Democratic Party stood by the convention system, but the Whigs, believing themselves to be more liberal and progressive, stood for the primary system. The Whigs themselves finally went to the convention system, but in recent years both parties seem to have gone

to the primary system. I myself have had but little experience, except from reading, but I believe in the convention system. That can hardly trench upon my argument here for the reason that the provisions seem to be very liberal. I think that one can be nominated for one of those boards by five hundred or a thousand signatures, and they must be supervised and very carefully examined and all that, but any number of persons can be nominated. It seems with the publicity we have in the District of Columbia that the mere carrying into print of those names would be sufficient publicity; that if we should have a list of 20 or 30 people nominated, we have sufficient publicity, we have an intelligent class of people, quick to suspicion and quick to be on the alert, and I do not think we could make any serious mistake.

The matter I referred to of a letter is in regard to hearings which were addressed by the board of commissioners under date of June 3, 1911, in regard to hearings on bills introduced in Congress. It was suggested in my letter, I at the time happening to be president of the Federation of Citizens' Associations, that a great many mistakes were made in this way, that bills were introduced with only the title published in the papers, and that the people in the District had no particular information, and often things happened in Congress which, if they had known certain legislation was pending here, would have brought about opposition in some form or assistance in securing its passage in some way. Information could be conveyed to Members of Congress. May I insert those letters in the hearings?

The CHAIRMAN. Yes.

(The letters are as follows:)

FEDERATION OF CITIZENS' ASSOCIATIONS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., May 12, 1911.

To the honorable COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

DEAR SIR: At a recent meeting of the Federation of Citizens' Associations a matter was brought up and discussed of present and continuing interest to every taxpayer and resident of the District.

All legislation affecting the District has its inception in Congress, and bills are introduced—

First. Upon the initiative of a Member of Congress.

Second. Upon the request of the Commissioners of the District.

Third. Upon the request of some citizen or association of citizens.

The only notice now given to the general public of the subject matter of the proposed legislation is the simple noting of the number and title of the bill in the Congressional Record, and sometimes a very casual notice in the public press when the subject appears to the editor to be of sufficient importance.

Almost always the tenor and purport of the bill remains a closed book to the great mass of taxpayers and residents until it becomes a law, and it is sought to enforce the provisions of the same, often to the great surprise and consternation of those whose personal and property rights have been seriously affected.

The taxpayer has lost his day in court through no fault of his own.

A few days ago Representative Johnson, chairman of the House District Committee, introduced in the House, at the request of the commissioners, some 42 bills. How much information is conveyed by the following notice:

“By Mr. Johnson of Kentucky (by request of the Commissioners of the District of Columbia):

“A bill (H. R. 8612) to amend an act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898; to the Committee on the District of Columbia.

“A bill (H. R. 8614) to authorize the Commissioners of the District of Columbia to suspend and revoke certain licenses and permits.

“A bill (H. R. 8624) to amend an act approved July 1, 1902, entitled ‘An act to amend an act entitled “An act in relation to taxes and tax sales in the District of Columbia, approved February 28, 1898.”’

“A bill (H. R. 8630) to amend the act of Congress approved April 22, 1904, authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes.

“A bill (H. R. 8632) to amend sections 680 and 686 of the Code of Law for the District of Columbia.

“A bill (H. R. 8648) to regulate the construction of buildings along alleyways in the District of Columbia, and for other purposes.”

The foregoing are selected at random from the bills introduced. No additional information is afforded by the city papers other than that quoted from the Congressional Record, yet some of those 42 bills proposed to radically change existing laws and others vitally affect millions of dollars' worth of property.

Publicity is the watchword of the hour, and the commissioners are anxious to afford at all times the widest information upon all matters affecting the District and most desirous of enlisting the support and cooperation of all taxpayers and residents of the city upon legislation necessary to the upbuilding of the Nation's Capital. I take it that they are equally anxious to approximate and gauge public opinion upon every matter of District legislation pending before Congress, and that, having ascertained as near as may be that a majority of the citizens are opposed to any measure, that they will then oppose that measure as strongly as they approve a bill indorsed by the nearly unanimous voice of the taxpayers of the District.

To the end that the fullest information may be brought home to every taxpayer of proposed legislation, and that ample opportunity be afforded to approve or oppose any and every bill offered in Congress before the same is reported by either committee to their respective Houses, we offer the following suggestion to your honorable body as the sense of the federation:

That Congress be asked to authorize the commissioners to publish in the press of the city from time to time the full text of every bill introduced in Congress affecting the District of Columbia.

That each advertisement of the bill contain a notice fixing a time certain for a hearing on the same by the commissioners.

That no measure be acted upon by either committee of Congress until the commissioners first report whether, in their opinion, the majority of the taxpayers and residents of the District approve or disapprove the same.

Permit me to suggest that the commission form of government in the District of Columbia will be on trial for the next few years as it has never been before, and the closer the commissioners get to the taxpayers and residents to ascertain the wishes and desires of the majority upon any matter of government or of administration, and then, having approximated that will, to represent it to Congress, the more quickly satisfied will be the average resident of the National Capital that he lives in the "best governed city in the world."

With great respect and esteem, Mr. Commissioners, I am,
Very truly, yours,

W. MCK. CLAYTON,
President Federation of Citizens' Associations.

JUNE 3, 1911.

W. MCK. CLAYTON, Esq.,
President Federation of Citizens' Associations.

DEAR SIR: The commissioners have given careful consideration to your letter of the 12th instant in which you suggest:

"That Congress be asked to authorize the commissioners to publish in the press of the city from time to time the full text of every bill introduced in Congress affecting the District of Columbia.

"That each advertisement of the bill contain a notice fixing a time certain for a hearing on the same by the commissioners.

"That no measure be acted upon by either committee of Congress until the commissioners first report whether, in their opinion, the majority of the taxpayers and residents of the District approve or disapprove the same.

"That having ascertained as near as may be that a majority of the citizens are opposed to any measure, that they will then oppose that measure as strongly as they approve a bill indorsed by the nearly unanimous voice of the taxpayers of the District."

With respect to the publication of bills pending in Congress, the cost of such publication would be so large that the commissioners doubt that it would be productive of an advantage commensurate with the expense involved. The local press gives notice of the introduction of such proposed legislation, and it is not a difficult matter for anyone interested to obtain copies of the bills or resolutions so introduced. The cost of such publication would be very great.

The commissioners are always glad to accord opportunity to the citizens of the District to present to them their views upon pending legislation or any other subjects in which their individual interests or the public welfare is concerned.

The commissioners have never refused to accord a hearing to any citizens' association with respect to pending legislation whenever a request therefor has been made to them, and have no disposition to abandon that policy; but while they seek to arrive at conclusions in reasonable accord with public opinion, they are not prepared to admit that it is a part of their duty to base their reports to Congress respecting either

measures which they suggest or measures which have been referred to them for report, upon the approval or disapproval of a majority of the taxpayers and residents of the District.

It frequently occurs that the best interests of the Capital of the Nation, so far as the judgment of the commissioners is concerned, and the personal interests of large numbers of the taxpayers and residents of the District conflict; and furthermore, if the commissioners were to defer their reports upon all measures until the will of the majority could be ascertained, their reports might be indefinitely delayed. It must be borne in mind that Congress has provided no way, and there is in fact no way, that the commissioners could devise for ascertaining the will of the majority within the District. Through the medium of citizens' associations, the commissioners obtain valuable suggestions, but we must all admit that they really represent but a small minority of the residents or taxpayers of the District.

To give hearings upon each of the bills submitted to the commissioners by Congress, and upon proposed measures originating with them, would almost monopolize their entire time, and leave them little energy for the discharge of their other duties, many of which are quite as exacting. Besides the additional labor it would impose on the commissioners, it would require a material increase in the clerical force, and in other ways add largely to the current expenses.

The commissioners duly appreciate the solicitude of your organization for the betterment of the municipal administration of the National Capital and its substantial prosperity, and shall esteem its suggestions already made in that behalf and invite its advice and criticisms in the future, but can not accept the views of their duty and responsibility which the suggestions contained in your letter, to which this is an answer, seem to imply.

Very respectfully,

BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
By ————, *President.*

The CHAIRMAN. You probably do not appreciate the fact that every bill introduced in the Senate and referred to this committee, and that includes every bill that in any way involves the District of Columbia, is referred to the commissioners. They send us a pretty complete report as to their investigations and whether they think it should or should not be approved by Congress.

Mr. CLAYTON. That is the practice now, but at one time it was not.

The CHAIRMAN. It is the uniform practice. It is not a practice that is not carried out fully. Every bill introduced in the Senate and referred to this committee since I have been chairman of the committee has been referred to the commissioners in order to receive their report on it. We have had such a report on all but a few, and we will have reports on those within the next few days.

Mr. CLAYTON. That is true now. But at the time I refer to, in 1911, there had been no such practice; if legislation was introduced and referred, nobody was heard, and it accomplished nothing so far as the people interested were concerned. The letter to which I have referred and inserted in the hearings was addressed to them along the line of more publicity being given and hearings had upon these measures when in their opinion they thought it necessary.

The CHAIRMAN. I would like to add to the statement which I just made that bills which involve a particular department here are not only referred to the District Commissioners, but are referred to the head of the department involved for his judgment; so we get not only the report and judgment of the commissioners who represent the District, but we get the report and the judgment of those who have charge of the particular department interested in and affected by the proposed legislation.

Mr. CLAYTON. Notwithstanding that, may it please the chairman, it sometimes does happen that measures vitally affecting the interests of the people pass and become laws without an opportunity for the people being heard before the commissioners or the commissioners themselves being heard before any committee of Congress or the people themselves being heard before any committee. For instance, I might just refer to two instances. Take the so-called Borland Act. We never had an opportunity, either the commissioners or ourselves, to present the matter at the time it was enacted. Another such matter was the raising of the rate of interest from 6 to 8 per cent.

The CHAIRMAN. When was that raised?

Mr. CLAYTON. About four years ago, as an amendment to the Code. There were certain inconsequential legal amendments to the Code which had been prepared and drafted by a committee, which amendments were probably necessary in the Code practice here, some 20 or 30 of them; but no one heard of a suggestion of changing the rate of interest, which was a Code provision that the legal rate of interest should not

exceed 6 per cent. When the bill was passed, it was found that the rate of interest had been raised from 6 to 8 per cent. The chairman of the committee, so I have been informed, expressed his surprise that such a provision was in there and said he had not known. No one in the District was aware of it.

It has operated to the extent that the raising of that rate of interest resulted in this situation. Virginia, a sister State to the south of the District, has never raised her rate, and the legal rate in Maryland is still 6 per cent; yet in the District of Columbia we have mortgage after mortgage raised from 6 per cent, as it was carrying, to 7 and even $7\frac{1}{2}$ per cent. Not only that, but we have been faced with the proposition before our Public Utilities Commission, that every public utility has insisted it is now entitled by the fiat of Congress itself to a rate of return of not less than 8 per cent, and it is a pretty strong legal argument to meet.

That is our situation. I suggest to the members of the committee at this point that had we had in Congress at that time even a Delegate in the House, a voteless Delegate, I do not believe that thing could have happened.

The CHAIRMAN. I would like to make this suggestion before you leave the other point. From what you say, that change in the rate of interest slipped through with scarcely anybody knowing about it. There is that same condition in legislatures and you would find the same condition prevailing if you had a legislative body in the District. In the last few days of a session of a legislature, the situation is worse than it is in Congress. There is always some rider slipped through on some bill or other, with which the people and even the members of the legislature themselves are not properly familiar.

Mr. CLAYTON. I will tell you what would have happened if we had had a Delegate here. That Delegate could not have come back to Congress as a Delegate if that had happened while he was a Delegate.

I will give another instance that shows the necessity of having somebody here properly representing the District in such a sense that Senators and Members of the House could depend upon at least what he said and hold him responsible for all he does and how he acts. In the case of a happening here some eight years ago, the building and loan associations for some reason or other were attacked and it was believed by some people that there should be some changes made. They are purely cooperative societies and very useful. They are the only financial institutions in the District that have not raised the rate of interest. They operated and have done business all through this period at 6 per cent, although the legal rate was 8 per cent, and they have done business successfully.

It was undertaken to strike them down in a bill in such a way that it would give the savings banks an advantage, as it was thought. The matter was very early taken in charge by a party representing the building associations. The bill was explained and the matter was changed. It was in the hands of Mr. Julius Kahn, a Member of the House committee and chairman of the subcommittee. The change was made. Mr. Kahn was called out of the city and Mr. Meutchler, who was on the subcommittee with him, took charge of the bill. Overnight Mr. Meutchler was seen, not improperly at all, by somebody and a change was made back again to the old condition, of 8 per cent. That was discovered early the next morning and we hunted around for Mr. Meutchler to explain the matter to him, but before we could get it through his head another delegation who were in favor of going after the building associations interviewed him, and between the two stools Mr. Meutchler said, "In the name of common sense why is it you can not have somebody up here to represent you properly? Whose opinion am I to take? Whom do you represent? Is there anyone to represent the District of Columbia?" The matter was finally straightened out, but had it gone through in the shape in which it was at that time it would have struck down 50 per cent of the building and loan associations and put them out of business. Nobody wanted that except a few interested parties.

Nothing could more strikingly convey to my mind and I think to the minds of the members of the committee the necessity of some authoritative agency here to represent the District of Columbia people properly at a time when you need information. Of course I suggest the simplest and easiest and the most approachable method is through the Delegate system.

Senator JONES. We have now in Congress an example with reference to the delegate system that does not carry out what you would like to have done and what you would hope to accomplish. We have here a Delegate from Alaska, and yet he can not speak with any authority on matters affecting Alaska. I have been confronted time and again in connection with propositions in the interest of Alsaka, by Senators saying that they can not vote for a proposition for Alaska without the very next minute a lot of fellows coming down and fighting it, and so they say, "If they ever get together

up there we would give them legislation, but as long as they do not they apparently are indifferent to it."

A Delegate can not speak with authority. He does not have vote one way or the other. He is pulled this way and that by the different interests at home, so that it does not harmonize things to have a Delegate. There will be conflicting interests and conflicting matters continually under the delegate system.

Mr. CLAYTON. But every Territory, before it became a State under the Constitution, had a Delegate.

Senator JONES. I am giving you the peculiar situation that I have been up against for a good many years. I have been trying to do things for Alaska and to help them out, and yet nothing at all like you have just expressed the hope you would get through the delegate system has resulted there.

Mr. CLAYTON. The reason why we are for the delegate system at this time, is because it is immediately available. The national representation we should have also.

Senator JONES. Then I understand your situation.

Mr. CLAYTON. Why not in the interim give us the Delegate? Why ask us to wait a considerable period of time, we do not know how long it will be, when if we have a right to anything we ought to have it now. I do not think I could better convey the strength of our position—that is, to stand specifically for a Delegate outside of the other askings—than by relating what happened six years ago. We had this matter before a subcommittee of the Senate Committee on the District of Columbia then. The subcommittee was composed of Senator Pomerene as chairman, Senator Dillingham, Senator Hollis of New Hampshire, Senator Saulsbury, and Senator Sherman. They heard the matter; they heard the various merits of the two propositions discussed, the national representation and the delegate proposition. We left it to them, and they came out with a report in favor of the delegate proposition. That report has been made a part of these hearings. Not only that, but it went to the full committee of the Senate and was there approved.

The reasons that induced that report and that attitude six years ago have been strengthened by the succeeding years, we think. We in the District have not gone back. If the necessity existed then in the minds of those Senators, it surely exists with greater force at this time. I am sure our interests are sufficiently diversified to make our demands for legislation more insistent. For instance, the value of some advice to Congress is impressed upon my mind by the fact that one of our corporations here finds it necessary and prudent and useful to employ the services of an attorney at a salary of from \$15,000 to \$20,000 a year to look out for its interests here, and very properly so and possibly legitimately so. So why not the people of the District, putting it even on that plane? Are they not entitled to some authoritative voice through which they can make their wishes and desires known?

It is not only necessary, it seems to me, to the people of the District themselves, but necessary for Senators and Representatives. During the last session of Congress a Senator of the United States, Senator King, of Utah, told me that he had been approached by a certain coterie of people and he was inclined to agree with them and aid them, but before they got out of his office another group appeared representing the contrary view. He asked which of the two were really representative. He went on to say that the next day there was a third group holding still another view. I said, "Senator King, do you not think you would be better off if you had somebody you could blame, if you could say, 'I asked the advice of your Delegate or your Representative?'" He said, "Unquestionably so; there is no doubt about that in my mind." So it seems to me these very things are necessary.

Many years ago I sat in the gallery of the House and heard a Representative from New York attempt to explain why the cost of asphalt paving was higher in the District of Columbia than anywhere else. His explanation was this, and no Member of the House denied his statement and it went for what it was worth: He said, "The reason why it costs more in the District of Columbia is that they adopt this plan: They lay a concrete base; that is expensive; that is 3 or 4 or 5 inches thick. That is not top surfaced at once, but it is used for five and six and seven years. They will use that pavement that long. After using it for that period of time they put the asphalt top on it, and then they have an additional use of some 10 or 15 years, so after all, while it appears more expensive at the beginning, it will not prove so expensive in the end."

The truth of the matter was they never laid a concrete base for asphalt in the District of Columbia except the asphalt went down at the same time; yet there was nobody from the District of Columbia to deny that statement. If we had had a Delegate that could have been explained to the Members of the House in two minutes.

It does seem to me that in business here, this information should properly come from an authoritative standpoint. Not only that, but there should be some one to assume responsibility. There is much criticism of Congress and there will be con-

tinued criticism, very often unjustly, but very often properly. However, if we were put upon our own initiative, upon our own mettle, and had an authorized representative in Congress, we would then transfer that blame, if some one had to be blamed for what we thought a commission or omission, to our delegate or to our representative, and it would take that much of a burden from Congress, just as I claim the President of the United States should not be involved, by the fact that he is called upon to appoint local officers here, in internecine strife in this city and then be criticized and found fault with by the people of the District because they believe they have not been treated well in the appointment. The responsibility should be ours. We should wash our own linen and not grouch and complain of the methods and character of men in office placed over us, when we should assume that responsibility ourselves and meet it accordingly.

I am supporting all three of these propositions. I believe that if to-day you could submit to the people of the District of Columbia the opportunity of picking one from these five, they would choose first, provided that the commissioners still retained their powers as public utilities commissioners, the election of their commissioners. They would take as their second choice the election of the school board.

I wish to ask members of the committee, in the experience we have had in the last six years of appointments to our school board and the methods that were used, that were pretty well ventilated in the hearings we have had, whether the appointive system has been any more successful than any possible elective system that we might institute here in securing acceptable members of the school board?

The CHAIRMAN. Do you not think the moment you elect your school board, you would bring the schools in a measure into politics?

Mr. CLAYTON. They were in politics here for years.

The CHAIRMAN. But they are not now.

Mr. CLAYTON. The appointments are not, I know.

The CHAIRMAN. The best authority that you can have, in my judgment, is the appointing power used here now. I do not think any of the States that have improved school laws elect their school commissioners.

Mr. CLAYTON. They are appointed by the governor.

The CHAIRMAN. I think that all the States that stand high in their educational reputation and have improved school laws to-day have provisions that the school board is appointed either by the judiciary or by the governor of the State.

Senator JONES. We have a pretty good system out in my State, but they are not appointed there.

The CHAIRMAN. They are elected?

Senator JONES. The superintendent is elected, and then there is a member of the board in each school district.

The CHAIRMAN. They were formerly elected in my State, but now they are appointed by the judges of the courts. That change has been made in the last few years.

Mr. CLAYTON. I know the superintendent of the Cincinnati school system testified before the committee that they elected their school trustees in Cincinnati, and they found there that politics had not entered into it. Senator King stated that the school trustees in Utah are elected. I am perfectly satisfied it would put the schools in closer touch with the people. Whether the membership of the school board would measure up to the present personnel might be a question, but the personnel would be just as high, it seems to me, and we could sacrifice a little of that, if necessary to do it, to get them a little closer in touch with the people themselves and get the parents of the children interested in seeing who were to be their own school trustees. Now they have no part in expressing themselves on it at all.

The CHAIRMAN. If you get the school board into politics, I can see the danger that they might select as superintendent of schools, of course, some person who would not be selected entirely for his fitness as superintendent, but just as other political appointments are made, from a political standpoint.

Mr. CLAYTON. I take for granted, from what I know of the spirit of Washington, that if we elected our own school board they would select a superintendent of the schools from the personnel of the teaching force in the District of Columbia. There is no question in my mind about that, and I do not think that would be a bad thing.

The election of a public utilities commission is another thing in which we are interested. We feel as to that that the commissioners, being members of three boards since the going into effect of that law, have expressed themselves as burdened with the details of that work.

Senator JONES. I think they ought to be taken out of that. I think we ought to have a separate public utilities commission.

The CHAIRMAN. There is a measure pending before Congress now, I think, dealing with that question.

Mr. CLAYTON. I know there is. We have urged the legislation.

Senator JONES. I think the committee which investigated the local railway situation two years ago recommended that.

Mr. CLAYTON. I know they did.

Senator JONES. I do not know why we do not report that bill. The commission's ought to be taken out of that work.

Senator SHEPPARD. Which of the measures before us provides for the election of a public utilities commission?

Mr. CLAYTON. That known as the Capper bill.

Senator JONES. It provides for the election of school trustees, too, I believe.

Mr. CLAYTON. Yes. Right along that line I appreciate the diligence and fidelity with which the members of this committee and particularly the chairman have given attention to the District; but remember that this agitation for a separate public utilities commission started eight years ago and we have spent time, many of us, in trying to get some results from it.

Is it unreasonable that we say to you Members of the Senate that something is wrong that we can not get the wheels to turn? Everybody seems to be in favor of the thing and yet nothing is done. We feel there is some other method that we should use. It is not reasonable to suppose it is impossible, but it must be that we are at fault or the machinery is at fault and consequently you throw us back after all upon, it seems to me, the suggestion that we ourselves ought to have in the District of Columbia a mouthpiece whose business it should be to aid you members here in accelerating legislation and getting reports on measures that you are all practically agreed upon. That we do not seem to be able to accomplish.

The CHAIRMAN. So far as the public utilities commission is concerned, I think every member of the committee and every member of the Senate realizes that something should be done along that line. Your public utilities in the District of Columbia need attention, demand attention more seriously than anything else, in my judgment. Your railway situation here is damnable, and it is going to become worse all the time until something is done. You have a very urgent demand for a public utilities commission, the members of which can devote all their time to that situation just at present. Do you not feel that way, Senator Jones?

Senator JONES. Yes. You say a bill has been introduced providing for a separate public utilities commission?

The CHAIRMAN. Yes, and I imagine it will be submitted at the next meeting of the committee.

Senator JONES. I hope it will.

Mr. CLAYTON. That bill has the support of every trade organization in the District and every citizens' association and has had it repeatedly and continuously.

I am going to trespass on your time, but I think you are entitled to know it, to tell you why the commissioners were given that power. I as much as anyone else was instrumental in introducing or having prepared the public utilities bill which was enacted into law some 11 years ago. Then the Federation of Citizens' Associations was formed and undertook to secure its passage or did what it could to effect it. What happened was this: We first went to the district commissioners. Maj. Judson was then engineer commissioner. Our bill provided for a separate commission in line with what we thought was progressive public sentiment. Maj. Judson said, "I am not in favor of that. If you will give the us power, we will favor it." We argued as best we could, but finally, like Goldsmith, probably wrongfully stooping to conquer, we agreed to give the commissioners that power. The bill finally went through as a rider. It never worked satisfactorily and never can.

I had intended to go very extensively into that matter and I think I have covered it rather hastily, but I want to cover just one or two further points.

Senator JONES. You have not had very much chance since you started, because we have interrupted so much.

Mr. CLAYTON. I would rather have questions. I like to be questioned. I think every speaker would welcome the so-called interruptions. It furnishes the leads that we need to have a meeting of the minds, and that is what we are here for, to have some conclusion that is satisfactory not only to us, but to the Members of the Senate.

I wish to submit to members of the committee the suggestion that it has been often stated by some of our own people, "You people are not really in earnest in asking a vote. You play at it and you would not give up much for it, you would not exchange anything for it." For years one of the things that was believed to stand in the way by a great many people, that worked against any participation of our people in any suggestion for a vote, was the half-and-half plan. So long as that financial pact existed it was useless to attempt to do anything in the way of getting a vote. It came to the

time that the first suggestion of a break against or opposition to the financial arrangement was from the people, who felt they would rather throw down any financial arrangement to get some control of their own affairs, very modest and only along the lines I have suggested, than to have the old plan continued. I never took much stock in that, but there did exist here a very earnest sentiment along that line.

The time may be very close at hand when even that suggestion as a rock to be surmounted does not exist. It will be rolled away from the path, and if that were true, it will be more reason now why we should be given something to say at a time when we need to have it said.

As bearing upon the earnestness of this matter I am going to read to the committee, in order that it may appear in the record, a protest that was made under date of September 12, 1918, when the selective service draft law was being enforced in the District of Columbia, when the last draft was called. It was submitted in the following form, directed to the director of the draft, Washington, D. C.:

Maj. D. J. DONOVAN, N. A.,
Director of Draft, Washington, D. C.

SIR: While submitting myself to your control and direction, as well as to those officers associated with you in carrying out the act of Congress known as the selective service law in the District of Columbia, I, as an actual bona fide resident of the District of Columbia for 40 years and a citizen of the United States, do protest the application of said act in so far as the same is sought to be applied to me and to such other residents of the District of Columbia who join with me and are embraced within the same classification as myself.

I herewith respectfully submit for your consideration the following facts and the conclusions based thereon as a basis for and in support of this protest:

Section 4, article 4, of the Constitution of the United States provides—

“That the United States shall guarantee to every State in the Union a republican form of government.”

The Constitution neither expressly nor by implication forbids a republican form of government for the District of Columbia, and while Congress is given “exclusive legislation” over the District of Columbia, the framers of the Constitution, as shown in the debates preceding its adoption, as well as from the full context of the instrument itself, never contemplated nor has Congress itself the power under the Constitution to set up and maintain in the District of Columbia any other than a republican form of government.

The Government legislated for and maintained to-day by Congress in and for the District of Columbia we claim is an absolute autocracy, empirical in form, and in operation subversive of every privilege, right, and muniment of a citizen of the United States under the Constitution.

The grant of “exclusive legislation” given Congress over the District of Columbia can not mean, and never did mean, the final and absolute exclusion of the people of the District of Columbia from any self-determination in their own peculiar local affairs, their exclusion from any suggestion in the naming of their local governors, their exclusion from any participation in the making of the laws under which they must live and which they must obey, their exclusion from any vote in the selection of President and Vice President of the United States, their exclusion from any suggestion in the laying and collection of their taxes, both local and national, their distribution and apportionment.

We protest that the people of the District of Columbia are not accorded the political status of free Americans, their inalienable right under the Constitution and the very heritage of the soil of the United States, but that outside the Constitution and in contravention of every precept of American Government are made the unwilling and protesting subjects of Congress and the Executive.

The people of the District of Columbia were not represented in Congress when said selective service act was passed.

Their counsel and advice and their consent to said act has never been sought nor obtained. All laws, according to the American system of Government, rest for their righteous enforcement upon the “consent of the governed,” and we maintain that the past and present political treatment accorded the District of Columbia by her sister States of the Union is not responsive to the spirit of the holy crusade now engaged in by the United States to give political liberty of thought and action to enslaved and subject peoples over the waters.

Every officer, executive, judicial, and administrative, governing in the District of Columbia governs and rules exclusively by appointment. Even the trustees of our public schools being so twice removed from the people by the appointing power.

England does not so govern London. France does not so govern Paris. Italy does not so govern Rome. Germany does not so govern Berlin.

With deliberation we submit that if the people of the District of Columbia are unfit and unworthy to exercise any of the political rights and privileges freely accorded to all other citizens of the United States under the flag, then are they unfit and unworthy to bear arms and help other peoples under autocratic rule across the seas achieve democratic government, republican freedom, and the blessings of liberty to themselves and their posterity.

Very respectfully.

Senator SHEPPARD. From whom did that letter emanate?

Mr. CLAYTON. It was signed by myself. I entered the draft and signed up and have my card. Previously, I might say in explanation, I had signed up with Theodore Roosevelt when he proposed to take his 75,000 men to France, before the war had really broken or just after it broke.

There is a feeling in the District of Columbia that this matter will never be settled. It will be agitated and continue to be agitated in the District until it is settled right. We have on record the statements of men who say, "Nothing is settled until it is settled right." What we ask you to do is to report out both the constitutional amendment and the national representation measure, and let them go on their way; but at the same time give us the most important and the most necessary first step, first aid to the injured, we might call it, and which you can give us quickly of your own accord without the intervention of the States—a delegate in Congress.

Also give us a voice in Congress. (The voice is often more important than the vote.) Which was more potent in this country, the voice of Theodore Roosevelt or the vote of Theodore Roosevelt? So the voice of that delegate is most important and most necessary. Give us, if you can also, a favorable report on the matter of the right of election by the people of the District of Columbia, under proper safeguards and requirements that may be properly drawn. There is no question about the Poindexter bill being very full and complete upon that matter. Every possible objection that could be raised, it seems to me, has been met there. Give us through that measure the right to elect the school board, the public utilities commissioners, and the right to elect the District Commissioners.

There is just one further suggestion I may make. I do not go with Senator Capper in providing five members of the public utilities commission. I think three are sufficient. I think instead of five District commissioners three are sufficient. I do agree with the provision of the bill that the National Government should be represented by an Army engineer as it always has been. He gives the National Government representation on the Board of District Commissioners.

Mr. Chairman and gentlemen of the committee, I thank you very much for this opportunity to address you.

STATEMENT OF AARON BRADSHAW, CHAIRMAN OF THE REPUBLICAN CENTRAL COMMITTEE OF THE DISTRICT OF COLUMBIA.

Mr. BRADSHAW. Mr. Chairman and Senators of the committee, I am not here in opposition to any of the proposed bills that will give the citizens of the District of Columbia the right that belongs to them, to wit: The right accorded to every American citizen, the right of managing their local affairs.

I appear before you as chairman of the Republican Central Committee of the District of Columbia, and as vice president of the Harding and Coolidge League No. 1, representing 9,000 enrolled Republicans in the District of Columbia. My purpose in appearing here is to remove from the minds of Senators and others, if there be any having such an idea, that the people of the District of Columbia, any of them, can not be trusted by Congress with the management of their local affairs. To my mind the best and only way is to judge them by the standing and character of the men for whom they voted when they had that great privilege. I will name here a few, and I challenge anyone to say that those I name, whether living or dead, were not and are not the highest type of American citizens.

I name with just pride James G. Barrett, Richard Wallack, Sayles J. Bowen, M. G. Emery, mayors; Frederick A. Boswell, collector; Gen. N. P. Chipman, Delegate in Congress; Gen. John S. Crocker, Gen. E. W. Whitaker, the District's most illustrious soldier, Zalmon Richards, Samuel Cross, John F. Cook, Col. W. W. Moore, John C. Harkness, Appleton P. Clark, Henry A. Willard, Richard T. Merrick, L. G. Hine, and Maj. Richard Oulahan. I could name scores of others equally well known and equally honorable. These names I have taken at random, Republicans and Democrats.

I am sure, and I think all of our citizens will concur with me when I state, that if this honorable committee will urge upon Congress that the citizens of the District of Columbia be permitted to manage their local affairs, they will use the same care in the selection of their officials as they did when they had the voting privilege and elected to positions of trust the gentlemen I have named.

If this honorable committee in its wisdom does not see its way clear to give us representation in the electoral college because of constitutional and other reasons, I hope it will give us what every American citizen is entitled to, the right of self-government and the management of his own local affairs.

Under the mayors of the city of Washington and the common council some people, whether wisely or not, thought that the common council and the mayorality was very slow; that the city was not growing fast enough; and when Congress in its wisdom set aside the local government, created a board of public works and a governor, the great Shepherd took charge of affairs here as chairman of the board of public works, and he made it the great city that it is.

Under the assaults of the New York Sun upon Gen. Grant, Gov. Shepherd being an appointee of Gen. Grant as governor of the District, he afterwards became governor, and, having been chairman of the board of public works, the great hue and cry of criticism was taken up, and there was an investigation, and the board of public works was wiped out, and the present form of government was introduced.

I wish to call to the attention of Senators that there never was any complaint from any source concerning the management of our local affairs when we had the franchise. I refer to the mayorality government prior to the appointment of the board of public works. The only complaint ever voiced against the mayors and councils was that there was not enough progression. The criticism came when our rulers were appointed and continued until the Territorial form of government was done away with by Congress and the commission form of government by appointment substituted.

As to the criticism of Alexander R. Shepherd, when governor of the District of Columbia, I will state that the best answer to that criticism—of defense, Gov. Shepherd needs none—is this great city. He left the town a broken man financially, and when his body was brought back here the city turned out to a man and woman to pay tribute to his memory, and he stands to-day in the minds and hearts of the people of this District, regardless of color, party, or creed, as the one outstanding figure in our Capital. Our people have erected to him an everlasting monument on Pennsylvania Avenue. And if his one-time detractors need any further reminder of his great work I ask them to go to the top of the Washington Monument and look over this great Capital City and maybe then they will realize what he did and what we all know to be the grandest capital city in the world, mainly Shepherd's work, his monument.

I am well aware of the doubts existing in the minds of many whether it is wise to grant the District of Columbia representation in the Electoral College and in the United States Senate. That doubt was in the minds of Congressmen when the Capital was located here.

It was feared that if the very ground on which the Capital City was located was owned by one of the States, this State might exercise a predominant influence over the affairs of the Nation. It is my humble opinion that fear was worthy of consideration then, and more so now in the light of the experience of the Hayes-Tilden contest in 1876. If the District of Columbia had had representation in the Electoral College and the electoral votes of the District of Columbia had been the votes in dispute, you gentlemen can picture in your minds the state of affairs which would have resulted. The march of the railroad men on the capitol demanding the "Adamson law" would have been a mild procedure compared to the march of the partizans of those contestants for the Presidency.

I wish to read the following from a letter written by Frederick L. Siddons, former District Commissioner, now a justice of the Supreme Court of the District of Columbia. This letter is dated February 26, 1911, and is a letter written to a newspaper in the city of Washington and published therein over his signature:

"The National Capital to-day stands a sorry spectacle of a 'best-governed city.' Neglected by its legislature, its administrative officials criticized and condemned in Congress and out; wrangling between commissioners and board authority that should be vested in one or the other; supervision of local street railways in an already over-worked Federal commission; other local public-service corporations subject to no supervision; the local jail partly supervised by local judges and partly by a Federal Attorney General; independent boards and commissioners having partly local and partly Federal duties to perform, this 'best-governed city' presents itself to its admiring friends and curious observers as a crazy quilt. What wonder, then, is it that the

mass of the people can get no real consideration of their needs by either legislative or executive?

“‘What,’ you ask, ‘is Congress going to do about it?’ Nothing, so long as the citizens of the District are content with the present system of government, and nothing, so long as the public-service corporations, a few bankers, and real-estate brokers and interests they present can prevent.”

This wholesale indictment by Justice Siddons of the management of our local affairs I do not indorse nor deny. He should know, for he has been for years one of our leading reformers, a member of the Monday Evening Club, a civil-service reformer, later on a commissioner, and now a member of our highest court, by appointment. He should be better qualified than an ordinary humble citizen like myself to pass on the matter of the commissionership government by appointment.

I ask this honorable committee to take cognizance that he charges that no change will be made in our local government “as long as the public-service corporations, a few bankers and real-estate brokers and interests they represent can prevent.” If it be true that the interests referred to by Justice Siddons are engaged in this nefarious work, it is full time that the people of the District of Columbia are protected from it.

I wish to say in reference to our commissioners prior to the appointments of Messrs. Siddons, Newman, Brownlow, and Gardiner, that our local government was non-partisan—one Republican commissioner, one Democratic commissioner, and an Army officer as engineer commissioner. The advent of Messrs. Siddons and Newman changed that state of affairs. Under their management the local government of the District of Columbia was turned into a political machine of great activity. Men in the employ of the District of Columbia not in accord with their political views were dismissed for political reasons, and political henchmen taking their places, which practise was continued by Brownlow and Gardiner until they were relieved by the present incumbents. To-day the local government of the District of Columbia is a dormant political machine of great influence and power, but not quite so active as it was a few months ago, when they were so busy organizing political clubs in the municipal building.

In common with our citizens, I am hoping that this honorable committee will look with favor on a bill to allow the citizens of the District of Columbia to elect their commissioners, the Utilities Commission, and the board of school trustees, the United States Government retaining the Army officer as engineer commissioner, with the Congress exercising “exclusive jurisdiction over the District of Columbia.”

I beg leave to place on record the record of the two great political parties of our country as to the rights of the people to control their destinies:

Republican platform of 1860: “That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.”

Democratic platform, 1872: “Local self-government with impartial suffrage will guard the rights of all citizens more securely than any centralized power.”

Democratic platform, 1880: “The right to a free ballot is the right preservative of all rights, and must and shall be maintained in every part of the United States.” That must include the District of Columbia.

Democratic platform, 1884: “Asserting the equality of all men before the law, we hold that it is the duty of the Government in its dealings with the people to mete out equal and exact justice to all citizens, of whatever nativity, race, color, or persuasion, religious or political.”

Republican platform, 1920: “We demand that every American citizen shall enjoy the ancient and constitutional right of free speech, free press, and free assembly, and that no less sacred right of the qualified voter to be represented by his duly chosen representatives.”

Democratic platform, 1892: “Sympathy for the oppressed. We tender our profound and earnest sympathy for those lovers of freedom who are struggling for home rule and the great cause of local self-government in Ireland.”

And what Ireland seeks the people of the District are seeking at the hands of this honorable committee and the American Congress—local self-government—and to that end we ask the enactment of the Zihlman bill into law by Congress.

Now, one word as to this colored question. I have been honored in the District of Columbia by white men and colored men no less than any man in this District. I have represented them in the highest assembly that this country knows, a Republican national convention. I have received votes, thousands from colored men and thousands from white men, and at no time have the colored citizens acted in any way detrimental to the best interests of the District of Columbia.

One more word and I am done. In the hearing before the Judiciary Committee of the House of Representatives, January 11, 12, and 15, 1921, Mr. Chapin Brown, general counsel of and representing the Chamber of Commerce of the District of Columbia, urged that a property qualification should be enacted in order for a man or woman to register and vote in the event Congress should give the right of suffrage in the District of Columbia—at least \$400 in cash or real estate.

Mr. Chairman, my grandsires fought in the American Revolution; my father and two brothers fought for the Union, as did many others of my blood; one brother and others of my kin died in battle; another brother gave up his life in the War with Spain; my sons in the last Great War, three of them, fought in France—like their forbears they fought to keep the world free—and I want to ask in the event we get a vote in the District of Columbia and a property qualification such as suggested by Mr. Brown should be enacted into law, what a spectacle would be presented when a survivor of the crater at Petersburg, or one of our boys from San Juan Hill, or one from the Argonne Forest came up to register and the question was put, "Have you \$400?"

I ask you who as a registration officer would ask any one of those gassed men, those legless men, those men of the District of Columbia torn to tatters—where would you find a registration officer who would ask one of these heroic sufferers, "Have you \$400 in order to be a voter in the District of Columbia?"

Mr. Chairman, I wish to say in conclusion that if the people of the District of Columbia had the right of suffrage the condition described by Justice Siddons would not have existed a minute nor would an elected officer, his chemists and his inspectors, responsible to the people, last a minute if the sworn statement of a large milk dealer were true before the Committee of the District of Columbia, House of Representatives, as to the practice of the wholesale milk dealers in adulteration of the milk furnished by them to the babies and sick people of the District of Columbia, nor would a little coterie of men slip over, unbeknown to our people, a little matter like raising the rate of interest from 6 to 8 per cent.

In view of these facts I am amazed that anyone would ask our voteless citizens whether they have any complaint against the commission form of government by appointment, as it has existed for many years past. If I were asked that question I would promptly answer "aye," and cite the matters referred to as my reason for that answer. And to make clear why I answer "aye" I beg leave to add as part of my statement the sworn statement of milk dealer Simpson, the letter of Justice Siddons, late commissioner, and I would also add that the rate of assessment had been raised from \$1.50 per hundred to \$1.85 per hundred, whereby \$4,650,000 was taken from the taxpayers of the District of Columbia and locked up in the Treasury of the United States and out of the power of the taxpayers to reach. If these facts are not sufficient to induce every voteless citizen to answer "aye" as I have, then let them dig themselves for more.

In conclusion I am proud to say that the District of Columbia is my home. Here I have lived all my life. I am glad that no permanent citizen of this District has appeared before this committee and told imaginary stories of riots and crime in order to impress this committee that our citizens are unfit to exercise the right of suffrage.

STATEMENT OF JOSEPH G. GURLEY.

Mr. GURLEY. Mr. Chairman and gentlemen of the committee, I am the editor of the Federal Employee, which is the official magazine of the National Federation of Federal Employees of Washington, D. C. I am also a member of Local No. 2, of Washington, of the same national organization.

In this connection it would be well to say in the beginning, in order to provide a kind of identification, that the National Federation of Federal Employees, as the members of the committee may know, is an organization composed of 250 or more locals of Government employees, outside of the Postal Service, civilian employees in all parts of the United States, in our dependencies and Canada. The Washington local is composed of civilian employees in various branches of the service on duty in the District of Columbia.

I might say in the first place that I should like to read the action taken by the National Federation of Federal Employees assembled at its last convention in New Orleans on September 21 last, bearing directly on the subject of suffrage for the District of Columbia:

"Whereas nearly half a million people in the District of Columbia, the Nation's Capital, are completely disfranchised, with no voice in Congress or the Electoral College, and no choice in the selection of the local officials who govern them; and

"Whereas such a condition of political slavery, known nowhere else in any capital city in the world, is contrary to every conception of the spirit of American liberty and institutions and the Constitution of the United States: Therefore be it

"*Resolved*, That this convention of the National Federation of Federal Employees earnestly petitions Congress to speedily enact such laws as will enfranchise the voteless people of the District of Columbia and bestow upon them the same political rights enjoyed by all other inhabitants of the Republic; and be it further

"*Resolved*, That we particularly urge the present Congress to enact into law at the December session the pending bills which would give the disfranchised people of the National Capital a Delegate in Congress and control by ballot of the selection of their local officials."

This resolution was unanimously adopted, as I said, by a convention of more than 100 delegates of the National Federation of Federal Employees held last September in New Orleans.

The following resolution was unanimously adopted by the board of representatives of Washington Local No. 2 of the National Federation:

"Whereas Federal Employees' Union No. 2, representing men and women in every office of the Government in Washington, holds unequivocally to the traditional American belief that 'Governments derive their just powers from the consent of the governed,' and that 'taxation without representation is tyranny,' and, so believing, favors both local self-government and representation in Congress for the District of Columbia; and

"Whereas it has become apparent that many Members of Congress, in both branches of our National Legislature, while favoring local self-government for the District, hesitate to support any legislative measure granting it representation in Congress at this time: Therefore be it

"*Resolved*, That Federal Employees' Union No. 2 deems it unwise and inexpedient to require local self-government for the District of Columbia to wait upon representation in Congress, and in this belief favors the passage of a measure granting local self-government alone, in the event that a measure granting this as well as representation in Congress can not at this time obtain the necessary support in Congress; and be it further

"*Resolved*, That a copy of these resolutions be sent to the presiding officer of the Senate, the Speaker of the House of Representatives, the chairmen, respectively, of the Senate and House Committees on the District of Columbia, and to each of the Washington newspapers."

This resolution was unanimously adopted, as I believe I stated, by the board of representatives of Local No. 2, the largest local in our national federation. The resolution was adopted on November 10, 1921. Washington Local No. 2, by the way, is the largest local in the national organization.

In this connection I should like to say that our organization favors the pending measures, but regards the measure relating to local self-government as by far the most important. It would place in the second position the pending measure providing for a Delegate in Congress with a vote, and in the last position the bill which provides for a Delegate with voice but no vote. We regard all of these measures as of great importance to the people of the District of Columbia, but would unhesitatingly, I think, assign them that order.

I do not know that the Federal employees of the District of Columbia have been represented before your committee as an entity. It seems peculiarly important and proper that they should be so represented inasmuch as the Federal employees in the District of Columbia are acknowledged, I believe, to represent the basic population of the National Capital. They represent a population on which the rest of the population is based and around which it revolves, so to speak. Therefore, for that reason, as well as for other reasons upon which I should like to touch, it seems that it is not without reason that the Government employees be represented before this honorable committee as a body. In order to be represented as a body it necessarily resolves itself into the representation of the employees by their organization, for this is the only way in which they become endowed with a voice. That is the reason briefly why I am bringing these resolutions to the attention of the committee.

It seems to me that some of the advocates of the pending legislation, in so far as representation in a national sense is concerned, while laying stress on certain things, omit altogether other things equally important. I was very much impressed by Mr. Clayton's statement before the committee and the protest which he voiced, and think that we in our organization can all subscribe fully to that.

When I said a moment ago that some fundamentals have been rather overlooked by the advocates who are restricting themselves entirely to the so-called national rep-

resentation, I referred, among other things, to the idea that republican government is founded absolutely on the consent of the governed, that representative government in America is one of the fundamentals of our American system, just as fundamental as any other part of our American system of political administration. That being so, it seems to me that the burden is absolutely on those who would claim at the present time that any American community should be deprived of the right to govern itself or local self-government. In other words, those who claim that there are peculiar reasons why the city of Washington should be singled out from the American Continent to be deprived of the right of self-government should show beyond the peradventure of a doubt that it is incompatible to have a large measure of local self-government under the Constitution with due control by Congress.

I submit that the past and the voices of statesmen in the past have shown that there is no such condition. It has been recognized by Madison and by Monroe and by several other of our Presidents; it has been recognized by an existing local government here for a great many years, that it is entirely compatible for Congress to reserve to itself and to the Nation all the control that is necessary in the District of Columbia for the well-being of the country and for the well-being of the District and at the same time to give the fundamental American privilege of self-government to a very great extent at least to the people of the District.

In this connection may I say to the committee there is one point which I think has not been touched on at all, the influence on the Government service of the present form of government in the District of Columbia. Now what is the fact? For more than 50 years people have been brought here to serve the Government. They have been brought from communities throughout the country with active political life. They have been accustomed to taking unto themselves initiative and depending upon themselves, and not to look to other people. You bring them here in the Government service. You wish the Government service to have initiative. You wish the Government service to have peculiar ability. Yet you bring all these young men and women here to the District of Columbia and throw them into an atmosphere which is entirely devoid of anything to stimulate and hold initiative.

Then the complaint is made after a while, after these people have been, we may say, denaturalized by this process. Then honorable Members of the House and Senate say on the floor of the House and Senate that for some mysterious reason we can not get initiative in the Government and we do not get it. It is a perfectly natural process. You can not draw a line at 4.30 in the afternoon between a man who is a Government official and a man who is a citizen. It is of the same character. In my humble judgment the result has been very unfortunate and is very unfortunate on the service to the Government.

The whole tendency of our system is to make people helpless, to make them feel that they are dependent on other powers, to make them feel that the duties which they exercise for themselves in the cities from which they came have fallen to the ground, that now when they want to get things done they must go to Congress, to the commissioners. They have no rights whatever. It has been said of course that the commissioners of the District of Columbia and the members of the school board are representatives, but not in any proper sense of the term. A man is not your representative if he is appointed by someone else. He is not your representative unless he is selected by you and at stated periods is responsible to you.

So that this vicious system has worked for more than half a century to deprive the people of the District of Columbia of initiative, of the power to do things, of the necessity which exists in every other American community of depending on themselves and not on others.

It does seem to me, speaking for the moment of prewar days, that if the city of Berlin or the city of Paris, the city of London, the city of Rio Janeiro, the city of Buenos Aires, if all those great world capitals, many of them in autocratic countries, can be so governed as to preserve a proper balance between the nation and the city, and at the same time to allow a very large measure of latitude to the citizens of governing themselves, certainly there must be something lacking in American political skill and ingenuity if we can not devise a system which will accomplish the same thing here.

I have taken occasion to look into the matter and I find, as has been stated, that the city of Washington, notwithstanding it is the Capital of the greatest Republic in the world, travels in this respect far behind any other great capital of the world. There may be some peculiar necessity for it that I can not understand.

When I look around me and see men and women of the education, the experience, the culture, of those who are coming before the committee and saying, "Gentlemen, please understand that we want nothing whatever to do with local self-government,

do not get the idea that we want anything to say about our own affairs because we do not," it strikes me that there is something radically wrong. Either there is something wrong in the people or there is something wrong in the system.

It would be impossible for me to understand it except on the ground that from what little reading I have been able to do in American history, also in the history of other countries, I find what I believe to be the fact that movements for the development of democracies seldom come from above. Such movements come from below. They come from the masses of the people. They do not come from the so-called upper classes. They do not come from the wealthy. My recollection is that the American Revolution was not won primarily by the so-called aristocratic classes. To use an ordinary phrase in the vernacular, the man who holds the trump hand does not call for a new deal.

I am not speaking in any way in any invidious sense of individuals. That is not the question. It is a question of the system. Human nature runs pretty nearly the same throughout all classes. I can readily understand why it is that the people of the community who hold most of the property, who lead the life in the greater part of what Jerome K. Jerome referred to as the comfortable man, are not the people who are under pressure to seek the right to control themselves.

I do not know any more crying example than our schools. Many years ago when for a time I was secretary of the school board in the District of Columbia, you may be surprised to learn that practically the same conditions existed in our schools then that exist now. I heard the same complaints about the lack of room. There were the same complaints about children having to attend half-day schools who should go to a full-day school. Practically all the questions that are involved now in the condition of our schools were involved 30 years ago in the same manner.

Do not think for a moment that I fail to appreciate the work that has been done by Senators and Congressmen, honest, conscientious work, with very little hope of reward for it. I do appreciate it, I appreciate the work done by the citizens' associations. But members of the House and Senators, and Congress as a body, have not the time and can not possibly understand the needs of the community as the people of the community can. The only way in the long run that I can see to govern an American community is to throw the responsibility for the government of that community squarely where it belongs—on the shoulders of its people.

It is very true, gentlemen, that you may not get as good government as you had before, but in the long run the people of the community have got to do their own growing. They have got to come up through mistake, through blunder, even through crime, and I doubt very much whether it would be possible to find any short cut to prevent it. The trouble is that government from above, while it may for the time being apparently secure better results, leads to nothing. Take the example in Mexico. When the hand of President Diaz was removed what was the result? Mexico had been kept in a condition of serfdom. People said, "What an admirable government. President Diaz preserves order. He does not permit brigandage. He looks after education." The hand of Diaz was removed and Mexico fell into disorder, went into anarchy—why? Because the people who are reduced to the state of children and kept as children will never become anything else.

It is that feature of the present condition of the District of Columbia that I would submit to the committee is really deserving of careful consideration. Many come to this city—I meet many of them from all parts of the country—who say, "Why is it so difficult to get results in Washington? Why is Washington so apathetic? Why is it so indifferent?" A man said to me not long ago, "Mr. Gurley, is there anything you have ever found that the people of Washington care anything about, except perhaps the movies?" I said, "Enthusiasm in the city of Washington is not what I should like it to be, but what can you expect? People are not very enthusiastic about anything over which they have no control. A man is not going to give his time, brain effort, and energy to carrying himself into a blind alley against a stone wall. When you have conducted along that alley for nearly two generations a number of people in a great community, you simply reap what you have sown."

These are some of the considerations, without asking too much of your time, that I should like very much to have you contemplate on behalf of the Government employees who really are the basic element in this city. I have been thoroughly convinced, after watching the situation in Washington for a good many more years than I like to think of, that the only salvation in the city of Washington is to wake up its people by giving into their own hands the management of their own affairs, by giving them things to think about, by giving them things to do.

We are told that it is not taxation without representation. Even if that were true, that is only half the battle. The American system of government is not founded on

that alone. It is founded also on the notion that we must have the consent of the governed to the form of government.

Suppose we go for a moment out of the realm of the abstract. Suppose the chairman of this committee were to say to the people of Wilmington, in the State of Delaware, "It seems to me after a study of your condition that it would be far better to have the governor of the State appoint three people to manage the city of Wilmington. We could pick out higher grade people than you can get by election; probably there would not be so much politics in it, and in every way we could get a better commission to govern the city of Wilmington." Suppose the same thing was said to the people of Harrisburg or to the people of any other great American city? Is there any American community that would even tolerate such a suggestion? The reply would be, "No; we are not looking necessarily for the best government in the abstract. We are looking for the best city government in the long run, under and subject to the American system of government."

There is the point. It is very conceivable that you might get a better government for the District of Columbia by the selection of one man by the President of the United States or by Chief Justice Taft. Possibly that man would make fewer mistakes than the commissioners make and would be less subject to evil influences than a body of elected representatives. But the point is that Americans have embarked on a certain system of government and certain fundamentals, they have carried on that system of government now for 130 or 140 years, and I do not believe that there is any desire on the part of Americans on theoretical grounds to throw aside that system of government, taking the position that some autocratic form of government may for the time being yield better results.

We have got to fight out our own salvation. We have got to rise through our mistakes. Personally, looking toward the future, I believe that is the way in which the safety and the welfare of every American community lies. [Applause.]

STATEMENT OF ROY C. CLAFLIN.

Mr. CLAFLIN. Mr. Chairman and gentlemen of the committee, I appear as president of the District Delegate Association. I should like to make the additional point that reference has been made to the fact that President Taft at one time made a speech in which he opposed suffrage for the District of Columbia. In the various arguments I have heard at these hearings against suffrage as a general proposition I have not myself found anything in them that can hardly be worthy of an answer, with all due respect to those who made them.

However, on account of his prominence I thought some mention ought to be made, in connection with the speech of President Taft made some years ago, that I was positively assured by Mr. Taft subsequent to the making of that speech that he did not refer to anything except the matter of statehood for the District of Columbia, and that he had no objection at all to the District being represented in Congress by a delegate such as proposed by the Poindexter bill.

There have been several hearings on the proposed constitutional amendment and at no time has it ever been reported out favorably. There has been but one hearing on the Poindexter delegate bill and at that time it was reported out favorably. This is merely in line with the sentiment expressed by prominent members of this committee, as well as other members of the Senate, in which they have stated they positively never will vote for a bill giving Senators and full-fledged Representatives to the District of Columbia.

Senator JONES. Who said that?

Mr. CLAFLIN. Various Members.

Senator JONES. I have not heard anything like that.

Mr. CLAFLIN. Senator Ball is one who said it.

Senator JONES. I have not heard any such statement.

Mr. CLAFLIN. Senator Ball made that statement after one of the hearings.

Senator JONES. After one of the committee hearings here?

Mr. CLAFLIN. Yes. The point is that we ought to look at the thing from a practical viewpoint. I believe there is no question that the delegate bill, if it comes to a vote, will be passed by the Senate and also by the House. There is no doubt in my mind that if it had come to a vote at the time it was reported favorably, it would have passed without a question.

I really can not feel that the constitutional amendment proposition can be passed at the present time or at any time within the next 20 years, if ever, because there is very bitter opposition on the part of Senators and Members of the House to a measure of that kind.

Therefore, it is the hope of the District Delegate Association, in view of the fact that it seems impossible to accomplish the passage of the Jones bill or the Capper bill, that the committee will consider the matter of reporting the Poindexter delegate bill, because we feel that that is something which can be passed at the present session of Congress.

STATEMENT OF SOTERIOS NICHOLSON.

Col. WINFIELD JONES. Mr. Chairman, I should like permission of the committee to incorporate in the hearings a statement from Soterios Nicholson, native-born Greek, now a naturalized citizen of the United States and resident in the District of Columbia, in regard to the condition of the disfranchised aliens in the District of Columbia who have been naturalized. There are about 28,000 men and women aliens in the District of Columbia who would be entitled to the vote if we had the ballot in the District of Columbia.

The CHAIRMAN. That may be inserted in the record at this point.
(The statement referred to is as follows:)

WASHINGTON, D. C., *November 14, 1921.*

SENATE COMMITTEE OF THE DISTRICT OF COLUMBIA,

United States Senate, Washington, D. C.

GENTLEMEN: About 146 years ago the Liberty Bell rang for the independence of the United States. The echoes of that bell were heard by all liberty-loving peoples of the world. And why was the independence sought? Simply because there was a taxation without representation.

These people who have heard the Liberty Bell have been coming to our shores ever since, seeking opportunity for the betterment to themselves from every point of view. The United States has offered them such opportunity. They have come in from all the lands and settled in all parts of the United States and have helped and still help to build these United States. They ceased to be foreigners and aliens and have adopted this country as their own country with all rights and privileges accorded to the American citizenship.

There is, however, an exception to this rule, and that is that in the District of Columbia these aliens, who have been naturalized citizens, are deprived of the right to vote. It is hard for anybody to explain the reason to those who are to become citizens of the United States residing in the District of Columbia or to those that have already obtained their full citizenship papers why they are deprived of the right of suffrage.

The 1920 census shows that there are in the District of Columbia foreign-born white males, 21 years of age and over, 14,042. Of this number there are 7,786 naturalized citizens, or 55.4 per cent; 1,775 have declared their intention, or 12.6 per cent; 2,842 are aliens, or 20.2 per cent; and citizenship not reported, 1,639, or 11.7 per cent. Females foreign-born, white, 21 years of age and over, are 12,334, out of which 6,926 are naturalized, or 56.2 per cent; 324 have obtained their first papers, or 2.6 per cent; 3,491 are aliens, or 28.3 per cent; and citizenship not reported, 1,593, or 12.9 per cent, making a total of foreign-born male and female, 21 years of age and over, 26,376, out of which number of both sexes there are naturalized citizens, 15,712; intention declarants of both sexes, 6,333, and citizenship not yet reported, 3,232.

Since the census was taken January 1, 1920, the Naturalization Division of the Labor Department informs me that up to date there are 1,197 declarations, 622 naturalized, and 113 applications pending.

Last year there were enrolled 1,400 adult foreign born in the Americanization School. And over 700 enrolled the first month of this year. This process of naturalization should continue with full speed. For had we done this education propaganda for the foreign born 10 years ago, there would not have been any foreign-born question at this time. The cost is very little to educate them compared with taxes that we collect from foreign-born citizens. They fought in the war; they bought Liberty bonds; they contributed to the Red Cross, etc.

Now, those who have become American citizens in the District of Columbia, of course, enjoy the same rights as we do, except the right to vote; but there are so many thousands that have not become citizens of the United States and who are coming to Washington daily. We are trying to make them good Americans by educating them in our day and night schools and endeavor to instill in their minds the principles of our Constitution and form of government. But throughout the historical part of our great growth we fail to show them why they can not vote in the District of Columbia. We teach them the reason from which the independence was fought, and we can not show them why in the District of Columbia there is taxation without representation.

The officials are appointed and not elected, and they are wondering why should the capital of this great Republic be the only spot in all the civilized nations where the right of suffrage is denied.

In addition, I may state that 60 per cent of the small stores in Washington are owned and controlled by naturalized citizens or aliens. And this number is conservatively small. What does it mean to have people of this character in business? It means more employment to our unemployed and more buying and selling transacting for the benefit of the whole population in general. It means a circulation of money to the advantage of all. For example, the restaurant keeper in order to open a business of that character buys from the manufacturers all the necessary equipment for his establishment. The manufacturers are large concerns that compose the American industries from coast to coast. In order to feed his customers, he buys his different food products, thereby benefiting our farmers, our cattle growers, etc.

These are facts. We can not look upon the foreigners with suspicion, but should be glad to have them cooperate with us, educate them to become American citizens, and teach them all the requirements of the good citizenship, the principles of our Constitution and form of government. To do so, however, and fully explain to them those principles for which the fathers of the land fought, we should not deprive them the right to vote, that every man outside of the District of Columbia enjoys.

Respectfully submitted.

SOTERIOS NICHOLSON.

STATEMENT OF COL. WINFIELD JONES.

Col. JONES. Mr. Chairman, I wish to quote from the Washington Post of November 23, 1921, just the headlines, as follows:

"Extend greetings to new Americans. Justice McCoy and others attend reception to graduates of Americanization School. Get flags and diplomas. New citizen is like a bridegroom, with United States as his bride."

From the Washington Herald of January 9, 1922, I quote the headlines, as follows:

"One thousand five hundred foreigners study citizenship. Americanization School in the District limited by lack of funds."

The reason why I insert these headlines is to show that the alien population of the District are preparing themselves for citizenship when we shall have the ballot.

The CHAIRMAN. Is there anyone else who wishes to speak this afternoon?

Col. JONES. I notice Mr. Topham, of the Oldest Inhabitants Association, is present. I hope the committee will hear him.

The CHAIRMAN. We shall be glad to hear from him.

STATEMENT OF WASHINGTON TOPHAM.

Mr. TOPHAM. Mr. Chairman and gentlemen of the committee, I did not come here to speak. I did not know of the hearing on yesterday; really I have been so busy I did not know a hearing had been held until I saw the report in the papers yesterday evening. I am sorry I was not here yesterday to listen to the arguments. I determined to come down to-day, however, and hear what might be presented to the committee. I did not come to speak or to take part in the proceedings, but I am very glad of the opportunity to say a word.

I have been living in Washington since the year before Mr. Lincoln came to take charge of the affairs of the Government. My great grandparents came here in 1812, and so I have been very much identified with the city. I have been in business here for 40 years, manufacturing for the Government and for corporations and doing a wholesale and retail business.

I was here and remember very well when the old form of city government was discontinued, and perhaps I agree with others that Congress was wise enough and knew the conditions well enough at that time to make the decision that was then made. It is true that very serious conditions existed at that time that do not exist now, and in the history of local government they perhaps would not exist again.

Ever since that time I have felt keenly, with thousands of our citizens, the fact of being deprived of citizenship. I have coveted it earnestly ever since and desire to have some form of franchise, but I recognize the fact that conditions are different here from those in cities abroad, the national capitals of other countries, and from the municipalities in this country. There is a difference in that Washington is the capital of the Nation. This is distinctively the first Federal city. It has local aspects and conditions also that require serious thought and attention, but I put first the fact that it is the Federal city. But notwithstanding the fact of it being the Federal

city, we are of right and ought to be entitled to some form of franchise. I am distinctly and unequivocally in favor of that form of franchise which gives us national citizenship. I would like to be able to vote for President and Vice President. I see no reason against it. I see no reason that anyone can urge against that privilege for myself or others, no matter whether it is a condition of race, previous condition of servitude, color, or what.

I also stand for representation in Congress. I do not want a voteless Delegate in Congress. I do not know a business man in Washington who does want such a Delegate. I am identified with the Board of Trade, I am a charter member of the Chamber of Commerce, and a member of the Merchants and Manufacturers Association and of the Federation of Citizens' Associations and of the Northeast Washington Citizens' Association. For 25 years I have been identified with the city. I have for 25 years been active in its interests. I stand unequivocally for national representation. I know the business men of this city, having been in business here for 40 years with my father and brothers, and I know the pulse of the business sentiment. I know the pulse of our citizenship, and I do not know and could not call to mind anyone who does not stand for national representation other than some who have spoken here.

I go in and out among the various organizations of the city and have for years, and I know thousands of our people, and I know that the great mass of them, the organized citizenship through all the organized bodies, stand for national representation, recognizing the fact that this is first of all the Federal city, and yet that we should have some form of franchise. I shall be satisfied with that form of franchise that gives us national citizenship, Representatives in Congress who can talk and speak for us and have the privilege of making their arguments, if not casting their votes.

I do not want to see a voteless delegate, and I would have no ambition to vote for a voteless delegate in Congress. We had that once before. That gentleman was a man of good character and reputation, but the plan was unsatisfactory to our people and I do not want to see it adopted again. I do know for a fact that the organized citizenship and the unorganized citizenship in this city stand for national representation distinctly above everything else, and I do hope and pray that you will consider the matter seriously and, if possible, give us this form of franchise. •

STATEMENT OF G. W. AYERS.

Mr. AYERS. Mr. Chairman and gentlemen of the committee, I want to continue a little further the statement made several weeks ago against suffrage for the District of Columbia.

In answer to Mr. Clayton's statement with reference to representation in Congress and local representation or suffrage of some kind, I would like to offer this suggestion. The chairman of the committee said that no bill is introduced in the Senate and referred to the District Committee but what that bill is immediately referred to the District Commissioners and in certain cases to the head of the department which it might affect. Since that is not the law, but merely the disposition of the District Committee, might not the District Committee go further and present a copy of the bill or resolution or whatever it may be to the Federation of Citizens' Clubs, and let them argue it out pro and con in their several organizations, and in turn themselves submit their opinion to the District Commissioners, and the District Commissioners submit that opinion to the District Committee of the House and the District Committee of the Senate? That is merely a suggestion. I think that would give much publicity that is not now had to bills that might be introduced and it would be rather hard to slip over anything in any bill at any stage of the game. That is merely a suggestion.

(With reference to the election of the school board as mentioned by Mr. Clayton, I think in Kansas City, Mo., where I spent about 10 years, we elected our board and I want to say that the best men on the board had a very hard time remaining on the board when it was a question of being reelected. It is not always possible to retain the best class of citizens at all. So the election of a school board, I imagine, is not a solution of the school question.)

With reference to there having always been a lack of school facilities here, I think that is true of practically any city in the United States. I know it has been true in four or five cities with which I am familiar that the school facilities have never been equal to the needs of the community. In other words, the requirements of the community progress more rapidly than the facilities, but I think that is true of most large communities.)

The gentleman here representing the Federation of Federal Employees said those who have been drawn here from the States, where they exercised personal initiative, are

being denied that opportunity here. The record from unquestionable sources show, as I said previously, that about 30 per cent of the voting population vote at primary elections; that about 50 per cent vote at off-year elections; that about 80 per cent vote at presidential elections. My best authority for that, an unprejudiced one, is the Saturday Evening Post in an article in November, 1920, immediately after our last presidential election. The author took his figures from other authors there cited, and I would refer the committee to that very interesting article.

In the several speeches here those who favor statehood only have claimed 90 per cent of the people of the District favor Statehood suffrage only. The other side have also claimed that 90 per cent of the people of the District favored their view. Either one or the other must be wrong. That is all I care to say with reference to any of the speakers who preceded me to-day.

Doubtless all who are here have been interested listeners to the proceedings of the disarmament conference. Most of the papers and the general public are of the opinion that it has achieved some splendid results. Without any permanent organization, and with no power to enforce any conclusion the conference may arrive at, yet I believe every man and woman in this committee room are of the opinion that what the conference recommends as the best thing to do, all the nations attending the conference will enact into law so far as it is necessary to enact laws to carry out the recommendations of the conference.

Most of the recommendations to be made by the conference will not necessitate laws to be enacted by their legislative bodies, but the very acceptance by the administration in power through the recommendation of the conference members of the several nations, will carry a moral force almost sufficient of itself in each instance, to make the recommendation of the whole body of the conference an unwritten law, once disregarded after acceptance, sufficient to array all other nations against the offender. The effect will be that of an international Magna Charta, if I may use that title, purely an unwritten law—a law of common justice, of custom, of precedent, and wholly a law that is a moral law in fact and in effect, that, without armies and navies, will be more potent to protect, to preserve, to build on, than any written law now in force in any nation.

I would liken (the Federation of Citizens' Clubs) to the Disarmament Conference organization. It is a body with no written laws that the citizens of the District need recognize. Yet the federation is a power for good in the District—more potent in many respects than many city councils I have known. Its power is moral rather than of guns and soldiers and written law. This well organized association of good citizens work without compensation or hope of any preferment, but not so hard as would be necessary to work if they had to continue with a lot of local politicians. When this body speaks to Congress through its recognized committees, Congress listens and usually acts upon its recommendations.

Even when this splendid organization gets busy manufacturing and crystallizing public opinion for a measure, against a measure, for a man, or against a man, I am glad to say it is usually eminently successful. This federation is worthy of confidence, both of the city and of Congress, because it is free from local political reward of any nature for individual members. Therefore any of its recommendations carry all the weight of disinterested and free-thinking citizens. We often hear the New England town meeting spoken of as the ideal democracy. Possibly it was. It may be that the federation of citizens' clubs is an evolution and an improvement on the New England town meeting.

The recommendations of the federation, I know, in many instances of recent occurrence got immediate results. I know it has been able to suggest appointments that suits the city as a whole, and the appointments were made. I know it has opposed men who were under consideration, and those men did not get the appointments. I know that some appointments were made against the recommendations of the federation—those appointments were almost always unsatisfactory to the city and to the President and Congress. I know that the federation has compelled men to hand in their resignation who were not serving satisfactorily.

I know worthy men who, having become citizens of the District, became leaders in the District. One of these men is an ex-Congressman. He is now one of our most important local officials. The federation is back of him, but only back of him because he is a good citizen. He was not elected to the local office. He was appointed, but recommended for appointment.

I know that man knows, because he has had much experience in politics, that election to an office is not usually a question of worth, but one of "get the votes" in municipal affairs. This man could have returned to his old congressional district to live, but he preferred to live in Washington where we have no vote, but where we do have honest government, and where we immediately recognize worthy men, where we ap-

point them to serve us without the labor and expense of primary and general election. He, I believe, will say, that our method of commandeering able and worthy men is sure and certain.

(More than once I have heard speakers before this committee, who are in favor of local suffrage in some form or other for the District, say that the present conditions are almost intolerable because we have not suffrage in the District. But practically each one of the speakers praise the men in office, and say they are honest and efficient. Do these speakers expect to elect abler men to office than they succeed in getting into office through recommendation and appointment.)

Now not one of these speakers pointed out the way to relief except that suffrage is a cure-all. The conditions as presented in general terms are fearful, but not one put a finger on the sore spot when it came to a specific remedy—not one.

Except that they suffer, Congress is left in the dark. And Congress and this committee have asked, and with every reason, too, for information from the speakers that would help Congress to give the District relief, if relief be necessary.

The fact is, as I see it, the trouble is mostly in the minds of the speakers and not in the District government. That is why these speakers are unable to give Congress any workable information. With all due respect to the speakers in favor of suffrage for the District, all I have heard is complaints and generalities. Not one of the many sufferers has removed to any nearby suffrage district with one exception—I believe Mr. Glassie, but he is a pretty good lawyer, a pretty good orator, and a pretty good politician.

Ex-President Taft, now Chief Justice Taft, who lived among us for many years as a minor official, later as President, and now Chief Justice, has said more than once, privately and publicly, that he feels no burden because he has no vote here. His speech on District suffrage made in 1902 in this city while President, tells his story better than I can hope to do it. His thoroughly thought-out speech, made with all the prestige and responsibility of the great office of the President of the United States, may not lightly be cast aside by honest and patriotic men who have or should have a wider vision than just as citizens of the District.

Our late President, Woodrow Wilson, honors us with his decision to make the District his permanent residence. No one here could well say that if he felt a burden due to the denial of suffrage in the District that he would live here.

So here ^{we have had} ~~we have~~ two ex-Presidents, ^{William Howard Taft and Woodrow Wilson} ~~the only living ex-Presidents~~; living among us, who seem to like our District government, and who feel ^{at} no horrible burdens of injustice because they ^{were} ~~are~~ denied the right to vote. Both of these men, both of these ex-Presidents, have recently bought homes here.

The two men who were the last Secretaries of State under President Wilson have taken up their permanent residence here, as others before them have done.

President Wilson's private secretary through both administrations of eight years also honors us with his decision to live here. He also bought a home here.

(Many Members of the Senate and the House of former days have taken up their residence here. This same fact is also true of other high Government officials of other days.)

(Many of these men invest their capital in the District. Certainly these men are in a fair position to appreciate whether this District has a good or bad government—whether or not they suffer because suffrage is denied to the District.

These men belong to, or rather are from, all sorts and conditions of society, political, social, and economic—poor men, rich men, widely traveled men, highly educated men, successful men, each a master in his vocation and avocation.

Each of these men on quitting public office has been in a position to select his permanent residence without fear or favor, whether he be a merchant prince, a philosopher, a great financier, a statesman, a lawyer, a doctor, an engineer, a scientist, a politician—and there are many of the latter. But all of them live here. They looked at the advantages and the disadvantages of the District as a permanent place of residence. But not one of these men, with one exception, has been before either the House or Senate committee considering the present bills to advocate these bills or to complain about the burdens the citizens of the District labor under.)

It is strange, I say, that these men, products of the elective system of our Government, and who therefore know its advantages, men who ought to be overzealous in protecting their own interests, these men whom the American people (outside of the District of Columbia) so highly honored—these men, I say, not one of them, with one exception, has been before this committee for any purpose whatsoever in connection with these bills now before the House and Senate committees. Why, I wonder? These men are good American citizens. They know our history and our genius of government. They have lived in other cities. They have also lived here long enough to judge whether or not not voting in the District is a great burden and a grief and a denial worth losing any sleep over.

These men, wise in the political game, wise in the art of getting values out of votes, wise through experience in being leaders in politics, must have felt, in deciding to become permanent residents of the District, that a nonvoting District governed by a so-called autocracy, benign and just, is the best bet when a fellow no longer has political aspirations.

Some of the speakers have contended that a nonvoting population of as good Americans as live anywhere in the United States, is not in keeping with the theory of our Government, and that this District is treated unfairly in that respect. I, and I believe any other honest man, would agree to that well-established fact.

But are we to look at the District of Columbia as the whole question at issue? I think not. I know not. If we stop to consider that approximately half of the cost of local government is paid by those Americans who live outside of the District, and if we stop to look up the history of the District government prior to 1878 when the present form was instituted, I do not believe the average taxpayer in the United States whether he lives in the District or outside of the District, would care to take any chances on a change of form of local government in any way or to any degree whatsoever.

If it is contended, and it is contended, that the District of Columbia occupies a very unique place in our system of government under the Constitution, and therefore is denied justice and honest government, why is it that ex-Presidents, ex-Cabinet officers, ex-Senators, ex-Representatives, and other high Government officials of other régimes, do not come up here in arms and recite Patrick Henry's famous speech "give me liberty or give me death," now that they are residents of the District of Columbia?

Well, you can not fool those wise men who have left political ambition in the discard.

What they want is good government—not a vote. So these wise men, wise in politics, wise in wishing for a local government where political bosses and friction and graft are unknown in District politics, have taken up their permanent residence here.

It is a very significant fact that these successful men in all the many forms of national activities, having duly considered the permanent place of residence for their declining years, after the excitement and turmoil of ambition gratified, when they no longer seek honors, select the voteless District of Columbia, it is very significant, I say, that these men choose very deliberately to live with us under the burdens the speakers here to-day say we hopelessly struggle under. These men could have lived in New York or San Francisco, where all the many privileges are to be had the speakers here desire and say they must have or die; or these men could have taken up a residence in Manila, or Honolulu, or Apia, or Havana, or Sitka, or the Canal Zone, or Guam, or even, most of them any way, could have gone back to the home district that so signally honored them in the past, where every tie of gratitude and memories of childhood call them. But no, these men choose, very deliberately choose, to live in Washington.

Surely these men are not less nor more patriotic than the speakers who are before this committee. Surely most of them are as intelligent as the speakers. Surely these men are men of family. Surely these men are men of property. Surely these men would fear the same as you and I to in any wise endanger their loved ones and their property. Surely these men are good, very good Americans, proud of their manhood, proud of their country, jealous of their rights, yielding to no one one iota of their privilege of American citizenship. Then these men must not consider suffrage so very necessary for the District of Columbia in order to protect their rights of personal freedom and property. Otherwise these men would be up here. But none have come to speak. They must be satisfied with a voteless District.

At least these men have made the District their permanent home. Actions speak louder than words. These ex-Presidents, ex-Cabinet officers, ex-Members of Congress, a hundred of them now live here; the proof of the pudding is in the eating when you have a thousand puddings to choose from. They choose to eat the very delicious pudding, better known as the well-governed District of Columbia whose mayor is the President of the United States, and whose common council is the Congress of the United States.

The fathers of the country, the men who wrote the Declaration of Independence, the men who voted us our present Constitution, gave us, the citizens of the United States, the District of Columbia as the seat of the Federal Government. Only what is written in the Constitution is a fact. Any statement by any speaker implying that the fathers meant anything else than what is written into the Constitution offer merely gratuitous information, not facts. A thousand ideas may be advanced as to what the fathers meant to write into the Constitution either for that immediate present or this immediate present, it matters not. The only argument worth while, and I

have heard so little of it advanced, is: (Can any other form of local government give us a better government?)

(It is idle to say that a vote is an inherent right of citizenship, for we have several forms of local government operating under the Constitution. Only two survive that were written into the Constitution. The one the several States now have, and the one the District of Columbia has, the other five or more forms of local self-government were forced on an alien people who had no voice whatsoever in the matter. Alaska, Hawaii, Philippines, Porto Rico, Canal Zone, Samoa, Guam, Virgin Islands, and Cuba will never achieve statehood, nor be allowed to divest themselves of United States ownership, or at least control, unless the United States chooses to give them freedom. The District of Columbia's forebears at least voted this District its form of government, and, too, it has Congress and the President living here who must necessarily live under the local government with all of its advantages and so-called disadvantages.)

The District of Columbia is conceded by practically all unbiased authorities to be the best and most honestly governed large city government in the entire domain of the United States. Then why change? Who would gain by any change, the local citizens are the local would-be politicians.)

STATEMENT OF COL. WINFIELD JONES, PRESIDENT OF THE NATIONAL PRESS COMMITTEE FOR DISTRICT OF COLUMBIA SUFFRAGE.

Col. JONES. I think, Mr. Chairman, there is no one else to speak, but I wish to say that the Senator from Washington, Mr. Jones, made the remark in response to a statement by some one that he did not know what the opinion of the Senate was on the three pending bills. The National Press Committee for District suffrage took three polls of the Senate and the House within the last two years; that is, they were partial polls, because some did not answer the letters at all and some dodged the question. Two letters were sent to each Member of the House and Senate and then a representative interviewed as many of them as he could in order to ascertain the opinion of the Members of Congress, and those expressions of opinion and the letters were published in the Washington Times from time to time.

Probably 75 or 80 per cent of the Senators answered either the first or second letter or gave an interview to the newspaper men whom we had employed for that purpose. About 85 or 90 per cent of the Members of the House answered either one or the other of the letters or told their opinions to this newspaper man. We compiled that information and published it in the Washington Times. We have the original letters also.

Based on that information we figured out that in the Senate there are not 10 Senators who are in favor of the constitutional amendment and in the House there are not more than 25 who favor the constitutional amendment.

In the Senate there is a strong sentiment to give the people of the District of Columbia a Delegate. Some are willing to give them local self-government, but the general opinion in the Senate to-day and in this committee to-day having the hearings, with one exception, is to let the people of the District of Columbia have a Delegate. It is the same in the House.

My committee, which represents through organizations about 200,000 people, are for District suffrage of every kind. We want the constitutional amendment. We want the local self-government. We want everything we can get that every other citizen of the United States is entitled to and has. We think we are entitled to it under the Constitution, and we want it.

But the question now is, Are we going to work for something for 40 years, like we have worked before, for a constitutional amendment that Congress is not going to give us? We know the sentiment of Congress is against the constitutional amendment. We have recently had two constitutional amendments and they are sore on the question of constitutional amendments. If Congress will give us something to start the suffrage business, that is all my committee asks. We would like to have Senators and Representatives from the District, we would like to vote for President and Vice President, and we would like to vote for members of the Electoral College, yet if the opinion of Congress is that we are not going to have those things and they are not going to give them to us, then, in God's name, let us take what we can get instead of coming here like some of the committees and saying, "We are opposed to local self-government, a Delegate is no good, and if you do not give us the constitutional amendment we do not want anything." It is the sentiment of the National Press Committee, which represents through organized bodies 200,000 people in this town, that we shall take whatever we can get. The Federation of Federal Employees represented here this afternoon, and the American Federation of Labor, that has repeatedly indorsed the

delegate bill in convention and local self-government, and also the constitutional amendment, take a similar stand. That is the position of the National Press Committee.

WRITTEN ARGUMENT SUBMITTED BY COL. WINFIELD JONES.

The movement to secure District of Columbia suffrage began soon after the District was disfranchised nearly half a century ago. It has continued spasmodically ever since, usually with "paper committees," which accomplish nothing.

About two years ago men in the congressional press gallery, dissatisfied with the completely disfranchised condition of the District, organized the National Press Committee for District of Columbia Suffrage. Affiliated with and organized by the National Press Committee for District of Columbia Suffrage, are the Labor Committee for District of Columbia Suffrage, of which John B. Colpoys is chairman, consisting of one representative from the more than 100 labor unions of the District, and indorsed and advocated by the Central Labor Union; the Veterans' Committee for District of Columbia Suffrage, of which Col. John McElroy is chairman, which consists of representatives from various veterans' organizations, including the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Army and Navy Veterans, the Army and Navy Union, the Private Soldiers' and Sailors' Legion, and the American Legion; the Women's Committee for District Suffrage, of which Mrs. Isabel Worrell Ball is chairman, consisting of delegates from many of the women's organizations of the District, including women from the various patriotic, veteran, and civic societies.

We do not come here to beg our rights on bended knees; we are here to demand them.

We would be perfectly justified, as were the fathers of 1776, in coming here in revolutionary battalions, and forcing Congress to grant us our rights of manhood suffrage.

Affiliated with the National Press Committee for District of Columbia Suffrage are many other organizations, including through its national president, Luther C. Steward, the Federation of Federal Employees, and the American Federation of Labor, through its president, Samuel Gompers.

The National Press Committee for District of Columbia Suffrage therefore, represents as the central body, with headquarters at 1400 Pennsylvania Avenue, approximately the entire membership of nearly all District labor organizations, veteran organizations, federations of Federal employees, and a very large number of women's societies of various kinds, with a total estimated membership of approximately 200,000 persons, practically the entire potential voting population of the District of Columbia, estimated by the last census at 205,255.

It is the only really representative organization in the District of Columbia working for the ballot for the "disfranchised half million," and the only suffrage organization with offices and a plant where propaganda and work for securing District suffrage are carried on as a regular business. This is done because it is realized that without such an organization and without such work, nothing can be accomplished toward securing the franchise for ballotless Washingtonians. We have even invaded a congressional district and defeated in a primary a House Member who deserved what happened to him for an act of bad faith toward our committee. We will go after others in the States if necessary. The national press committee is no namby-pamby organization. It is a fighting organization.

The National Press Committee for District of Columbia Suffrage is incorporated under the laws of the District of Columbia. It is not conducted for profit. The incorporators are John B. Colpoys, Louis S. Gottlieb, Col. John McElroy, Mrs. Isabel Worrell Ball, Capt. William L. Mattocks, Frank B. Lord, Capt. J. Walter Mitchell, Lee LeMar Robinson, George Garner, E. C. R. Humphreys, Winfield Jones, and John P. Welcker.

The officers are Winfield Jones, president; Frank B. Lord, vice president; Louis S. Gottlieb, executive secretary; Capt. J. W. Mitchell, recording secretary. The affairs of the committee are managed by an executive committee including Winfield Jones, John B. Colpoys, and Louis S. Gottlieb. There is an advisory committee composed of prominent citizens who have, however, no legal connection with the corporation, including the following: Samuel Gompers, John F. Costello, Maj. Gen. John L. Clem, Rev. I. F. O'Hern, George B. Lockwood, Terence V. Powderly, Oscar J. Rickeets, Alvin L. Newmyer, Robert I. Miller, Capt. Charles E. Jones, Marvin Gates Sperry, Dr. Abram Simon, Rev. Dr. G. Silverstone, Aaron Bradshaw, Luther C. Steward, Burd W. Payne, and W. W. Keeler. These men are among the leading citizens of Washington.

When the committee first began its campaign to secure suffrage paid officials were employed to conduct its affairs. Later this arrangement was changed and the committee has since been managed by its executive committee.

The affairs of the National Press Committee for District of Columbia Suffrage, including its business matters and its propaganda and legislative work to secure suffrage for the District of Columbia, are ably and honestly handled by the executive committee. Complete books and records of all transactions, financial and otherwise, are kept, and these are available for inspection at any time. The National Press Committee has nothing to hide, it does nothing in secret, and its transactions are open at all times to public gaze. Notwithstanding this frank and aboveboard policy, from the inception of the committee, it has been violently attacked on different occasions by individuals connected with certain commercial organizations in the District of Columbia, some of the same organizations who had spokesmen at this hearing, who were and are opposed to District suffrage, and who on various occasions attempted to either control the National Press Committee and, failing that, to destroy it so that the only really organized and vigorous movement to secure District suffrage here in the last half century would be halted. Slander and lies of all kinds were industrially circulated by some of these men concerning not only the affairs of the National Press Committee, but of its officers as well. All this being an attempt to hamper or stop the work of the National Press Committee for District of Columbia Suffrage. The lie was even circulated in Washington that I had collected for the suffrage movement \$2,000,000. Well, if I could collect \$2,000,000 I could acquire or start a daily Washington newspaper and drive all the foes of District suffrage and other rascals of various kinds out of the National Capital. My life is an open book. I here insert a circular printed by the American Newspaper Syndicate, as follows:

[Rewritten from Who's Who in the National Capital.]

“COL. WINFIELD JONES.

“Col. Jones, veteran of the Spanish-American and World Wars, serving as color sergeant in the Porto Rican campaign and colonel in the Texas National Guard, has been an active newspaper writer for 30 years. He has been for many years a member of the congressional press gallery, representing there for long periods the San Francisco Chronicle, Philadelphia Bulletin, New Orleans Picayune, and other great American and foreign newspapers. He is a former manager of the Washington office of the International News Service. For a long time Col. Jones has written a daily Washington letter for a Washington syndicate, which has a larger circulation throughout the country than any other special Washington daily dispatch.

“For three years Col. Jones served as secretary and editorial director of the National Defense League, the pioneer American national defense organization, and with Hon. Julius Kahn, of California, was its founder. This league secured from Congress the free-rifle bill for civilian rifle clubs. As publicity manager for the Southern Commercial Congress he directed the publicity of the European tour of the American Commission on Rural Credits, which resulted in enactment by Congress of the farm bank act. He was publicity director of the National Republican Congressional Committee in the 1916 and 1918 political campaigns, the last campaign resulting in election of a Republican Congress. For nearly two years Col. Jones was a special representative of the State of Texas in Washington.

“In the National Capital Col. Jones is regarded as one of the most prominent citizens. He is president of the National Press Committee for District of Columbia Suffrage, and has long been active in business, fraternal, patriotic, veteran, and citizen organizations.”

For many years I have represented great newspapers in the congressional press gallery, and I have served my country under arms in her wars, receiving honorable discharges. My ancestry dates in America to 1730, nearly 200 years, and my forefathers fought to found the Republic; it is as honorable as anyone's, but I am not the “foremost citizen” of Washington; nor did I inherit a great newspaper that should be used for the benefit of the people, whence it derives its revenues and has built up its owner's fortunes, and not for camouflaged purposes to fool the people, who make it possible, on political and economic issues.

The men and women associated with me in the National Press Committee are all honorable residents of the District of Columbia, reputable and well known to all. That efforts to destroy or hamper the National Press Committee ended in complete failure is shown by the fact that the National Press Committee now represents, in organized membership, through its affiliated committees, approximately 200,000 persons, and that it has been liberally supported financially by the people of the District of Columbia. Every dollar has been honestly expended and accounted for. None of the members of the Executive Committee, who manage its affairs, including

myself, in active charge of the headquarters, have ever received a single cent of salary or an expense account of any kind. Our work has been a "labor of love" for the disfranchised people of the District of Columbia, and we are glad and proud to perform that laudable duty without compensation whatever. I and others have frequently paid obligations of the National Press Committee, and I am personally paying them now, amounting to considerable sums.

All of the foregoing is presented to your honorable committee, Senators, for the purpose of making plain just what an effort is now being made and has been made to secure suffrage for the disfranchised people of Washington, and I assure you this effort will be continued until suffrage is secured, even if it requires a century of effort, because the movement has now received such impetus and is backed so solidly by public sentiment of the people of the District of Columbia, and the people of the United States that it will not stop until success is achieved. The National Press Committee is here now, it will be here to-morrow, and it will be here forever, or until suffrage is obtained. It is founded on a rock, and that rock is Right—eternal as the everlasting hills.

The work of the National Press Committee for District Suffrage has been intelligently and vigorously conducted through many newspaper stories sent out during the past two years and personal work in Congress, and we believe that there is hardly an editor of a daily newspaper in the United States who is not well informed concerning the political despotism which exists in the District of Columbia, and certainly I do not believe there is a single Member of Congress who does not understand the situation fully. A very large number of national organizations of various kinds have demanded enfranchisement of the District.

Senators, you are familiar with the bills pending before your committee; it is not necessary to enter into any detailed description of these measures which have been fully described. The Poindexter-Reed bill provides a Delegate; the Capper-Zihlman bill election of four District commissioners, one engineer commissioner to be appointed by the President, five in all, a separate public utilities commission of five, a school board of nine, and two Delegates in Congress. The Jones bill provides for submission to the States of a constitutional amendment, and then Congress can decide whether we are to have Senators, Representatives, and a vote in the Electoral College. The Delegate and local self-government bills set up the machinery of elections. The Jones bill does not. It is the general opinion of the people of the District of Columbia, and I believe also of a large majority of the House and Senate, that one of these measures, or a combination of them in a new committee bill, preferably the Delegate bill, should be enacted into law during this Congress, so that the disfranchised people of the District can be given at least some of the political privileges enjoyed by all other citizens of the Republic, including yourselves and your constituents. You know very well, Senators, that a constitutional amendment will have no chance whatever of enactment. Others have fully presented the historical and constitutional aspect of this matter, so that I will confine my argument for District suffrage briefly to a few facts, as follows:

The District of Columbia is the only capital city of any nation in the world without representative government in some form. The District of Columbia is the only community in the United States or its foreign possessions that is completely and absolutely disfranchised.

The District of Columbia, with nearly 500,000 people, is a larger political entity than seven of the States—Idaho, New Mexico, Vermont, Arizona, Delaware, Wyoming, and Nevada. New Hampshire and Utah are little larger in population than the District of Columbia (1920 Census). The District has a larger population now than that possessed by every new State in the Union at the time of its admission, save only Oklahoma. The last census says that there is a potential voting strength in the District of Columbia, men and women, of 205,255. Is it right to hold in political slavery nearly half a million Americans in the Nation's capital?

The people in the District of Columbia have no representation in Congress, no voice in the election of any of their municipal officers, can not vote for a President or vice President unless they hold citizenship in one of the States. They can not even choose their board of education, in charge of the education of their children. The District is the most completely disfranchised community under the American flag or any other flag on the face of the globe. The people of Washington live under a political autocracy worse than any Asiatic despotism.

In 1874 the District had a Territorial form of government. It was then small in population and weak in resources. This Territorial form of government, in an evil hour, was surrendered to Congress. The surrender of this American birthright for "a mess of pottage" has been bitterly regretted ever since.

In this age of enlightenment and liberty for all nations, which was finally secured and cemented by the blood of millions in the World War, the Capital City of the most

powerful and most liberty-loving Nation, as well as the greatest in the world, is without any voice whatsoever, in its own political affairs. Such political slavery exists nowhere else in any civilized nation in the world. The Philippines, Hawaii, and Porto Rico, lands of alien blood, are allowed representation in Congress. So is Alaska.

The political condition of the people of the District of Columbia is repugnant to the American spirit of liberty, and contrary to every principle of human freedom upon which the Republic is founded. It is contrary to the glorious declaration of "equal rights to all, special privileges to none," and contrary to the plans of the fathers of the Constitution, to every American principle of fairplay and representative government.

Are Washingtonians entitled to the franchise?

There is no more patriotic community in the United States than the District of Columbia. In the Civil, Spanish-American, and World War Washingtonians did their full share in defending the flag. The District supplied nearly 18,000 men to the armed forces, Army, Navy, and Marine Corps, in the last war, when the country called in her hour of need. Nearly half of these were volunteers. Many were wounded and permanently crippled; many sleep their last sleep under the poppy fields of France. Five hundred and twenty-eight Washingtonians lost their lives. Their families mourn to-day. I lost a son of great promise during the war. He did not die on the battlefield, as I would have preferred, but the flu took him, slain as a result of the war the same as by an enemy bullet. The District supplied more men to the United States armed forces in the World War than any one of seven of the States—Nevada, Delaware, Arizona, New Mexico, Wyoming, Vermont, and New Hampshire. During the World War every call of the Red Cross, Young Men's Christian Association, Knights of Columbus, Salvation Army, and other relief organizations was oversubscribed. The District oversubscribed its Liberty-bond quota \$30,000,000.

In the fiscal year 1919-20 the District paid in internal-revenue taxes \$18,645,053. This was a larger sum contributed to the Federal Government, to be expended for national purposes, than the total paid by any one of the 15 following States: Arkansas, Alabama, Mississippi, North Dakota, South Dakota, Florida, Montana, New Hampshire, Utah, Arizona, Idaho, Vermont, Wyoming, Nevada, and New Mexico.

In that fiscal year the District of Columbia paid more internal-revenue taxes than the aggregate paid by the following five States; Wyoming, Vermont, New Mexico, Nevada, and North Dakota.

Taxation without representation is tyranny. The American Revolution was fought to vindicate this principle. Humanity has struggled for ages through blood and fire for this right.

Personal income taxes collected in the District of Columbia in 1918 amounted to \$3,669,100. This exceeded the total collected in each of 23 States of the Union, and was a larger sum than the combined income tax collected in Arizona, Idaho, Vermont, Utah, and Wyoming for that year. States which paid a smaller aggregate income tax than the District of Columbia were Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Kentucky, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming.

Yet each of these States that contributed less in personal income taxes to support the National Government has two Senators and Representatives in Congress.

Under the present deplorable political conditions in the District of Columbia, the inhabitants must fight for the Republic, must pay taxes to carry on the National Government, but must see laws enacted to govern them without their consent, and taxes levied on them spent by an arbitrary municipal government without the people having a single voice in the whole matter.

Some have been advocating a constitutional amendment. Our committee is for a constitutional amendment which would give us Senators and Representatives and a vote in the Electoral College, and our representatives stood for the amendment during the last Congress, at the hearing before the House Judiciary Committee.

Every member of our committee would rejoice if Congress would see fit to grant us the rights of a partial statehood—Senators, Representatives, and a vote in the Electoral College—but, after a thorough canvass of the situation in Congress, we have learned that a large majority of Senators and Representatives are opposed to a constitutional amendment or to erecting the Federal District of Columbia into a State or Territory.

Where is this constitutional amendment? After exhaustive hearings before the House Judiciary Committee in the last Congress it was slain, buried, and its dust reposes in a funeral urn in the House committee. No report on it. It can not be waked to life by Gabriel's horn. Dead beyond hope of resurrection. Will it fare better in the Senate? Everybody knows it will not. As we know this sentiment in

Congress, we are not now asking for the constitutional amendment, though heartily indorsing it, but merely for a Delegate in Congress as provided under the Poindexter-Reed bill, or local self-government and two Delegates as provided under the Capper-Zihlman measure. If you can not give us complete local self-government and two Delegates in Congress, at least give us at this time a Delegate who will be a voice of the District people in Congress, and whose presence will remove the stigma which rests on the whole American people, because of the Capital of their Nation, the greatest nation the world has ever seen, are deprived of their political liberty and privileges guaranteed by the Constitution of the United States, and are kept now in a situation of political despotism which exists nowhere else in any city of the civilized world, and which is as bad as the worst days of Romanoff or Soviet Russia. The only difference is the disfranchised Washingtonians can not be jailed or shot at the whim of an official. Some of them would do it, if they dared.

We want representative government, including Senators, Representatives, and local self-government, the same as enjoyed everywhere else in the United States. If we can not secure that now, we will be thankful for whatever Congress sees fit to give us, even if it is only a Delegate in Congress. Of course, we would rejoice exceedingly if Congress would give us complete local self-government under the Capper-Zihlman bill. District Delegates in Congress would relieve every Senator and Representative of a large amount of District legislative details.

This question rests on the broad basis of right. We are entitled to this privilege, the same as all other citizens in all other sections of this country. As we are entitled to it, we intend to have it, and we are going to get it, we hope at this Congress, but we propose to continue to fight until we do get it. We are right on this subject, and we will win in the end, for right always wins in the end.

As far as the constitutional amendment is concerned, while we are for it, it seems to be a preposterous proposition for this reason: More than 100 years ago, when the States had freed themselves from the British yoke, they said to Congress, "The Federal Government must have a home," and therefore Maryland and Virginia donated part of their territories to form the District of Columbia, Virginia since recovering her part. The lands constituting the District of Columbia were given by the two States for the purpose of establishing a Federal reservation, the home of the Federal Government of the United States, and for no other purpose whatsoever. How, then, can the District of Columbia, a Federal District, ever be erected into a State, even if Maryland should pass an enabling act for that purpose? But that fact is no excuse whatever for denying the suffrage right to the inhabitants of the Federal District.

The pending Delegate and local suffrage bills do not change in any way the fiscal arrangements of the District of Columbia and the National Government. They do not interfere in the 50-50 plan or the 60-40 plan; neither is there anything in these measures which would meddle with the District judiciary or interfere with complete control of the District by Congress.

While some advocates of District enfranchisement are honest in demanding a constitutional amendment, there is a strong suspicion in the minds of many who have investigated the suffrage situation in the District that a few designing men with sinister purposes of their own, who do not desire suffrage of any kind in the District of Columbia, have used the constitutional amendment as a sort of bellwether or slogan to draw the attention of the people of the District away from the local self-government bills or Delegate bills which we believe Congress is willing to grant. Some of these men, once members of its advisory council, first attempted to control the National Press Committee, but failing that sought to destroy it. They have all been defeated in their nefarious schemes and "fired" out of the National Press Committee.

Some of these men represent themselves as representatives of the opinion of the chamber of commerce, board of trade, merchants and manufacturers' association, and the City Club. They do not represent even a minority opinion of the members of these fine organizations regarding District suffrage, but have managed to get in a position before these organizations and the public where they make it appear that they are voicing the unanimous sentiments of these organizations.

They are trying to deceive the people and Congress on the suffrage issue by clamoring for a constitutional amendment for which they well know there is no chance at this time, if at any time.

A few men honestly believe they can obtain the constitutional amendment and are sincere in their advocacy of that measure, but they do not understand the suffrage situation in Congress and the District.

The National Press Committee took three complete polls of Congress—two by letter and one by an agent. These showed no sentiment for the constitutional amendment.

The pending Delegate and local suffrage bills require only a majority vote of the House and Senate and the President's signature to become a law, and to partially enfranchise the people of the District of Columbia. Every Senator knows the extreme difficulty of securing a constitutional amendment; besides the sentiment in Congress is against it. It took the women 50 years to secure suffrage, and the prohibitionists a quarter of a century to make the nation dry. They had strong organizations and spent millions.

There is no need to describe the political and economical ills of various kinds under which the nearly half million disfranchised people of the District of Columbia suffer, because they have no representative government of any kind. The situation is well known to every thinking person in the District of Columbia, and to every member of this honorable committee. I can describe it thus:

Old man "Wash" was the greatest optimist in a certain southern city. When anything calamitous happened he always said it might have been worse. Jim Smith fell off a three-story building and broke his neck. They ran to tell Uncle Wash about it, and he said "It might have been worse." He was asked how it possibly could have been worse. "Well," said Uncle Wash, "Jim might have fallen on another man and killed him."

A friend went to Uncle Wash one day and said: "Uncle Wash, I had a terrible dream last night. I dreamed I died and went to hell." "It might have been worse," said Uncle Wash. "How could it have been any worse?" asked the hell dreamer. "Well," said the sage, "it might have been so."

Some weeks ago when I was in the South I called to see Uncle Wash. I had not seen him in 15 years, but he was as optimistic as ever. I told him about suffrage conditions in the District of Columbia. For once Uncle Wash was stumped. Instead of saying "It might have been worse," the old fellow said: "It couldn't be worse."

The voice of the people is the voice of God. That voice has been heard before this committee, rising from nearly half a million completely disfranchised Americans in the Nation's Capital demanding their political rights. Senators, we ask you to heed that voice.

Speakers here on District suffrage, but only one kind, the constitutional amendment, have urged the Jones bill. Everything spoken here for that bill is a farce—one of the biggest farces I have ever seen staged before a congressional committee during years of experience in the Congressional Press Gallery.

What else could it be but a farce when this honorable committee has no more jurisdiction over the Jones bill than the "man in the Moon." The Senate District of Columbia Committee can not report out any bill or resolution relating to a constitutional amendment. That is invariably the province of the Senate Committee on the Judiciary.

Some more camouflage.

Speakers have said they represent the organized bodies of the city for the Jones bill. It is true most of the organized bodies of the District have indorsed the Jones bill, originally the Burroughs-Chamberlain resolution. But every one of them carefully neglected to state, as they should have done if they were really in earnest about this suffrage business, that every one of these organizations, with few exceptions, is also on record for the Delegate and local suffrage bills.

More camouflage? Or should it be called additional deception of the people and an attempted deception of this committee?

Smart men have spoken here. They know as well as I do, and as Senators do, that there is no earthly chance for passage of the Jones bill, even if this committee had power to report it to the Senate, which it has not.

Then why their advocacy of an impossible subject that we, and they, too, know that Congress will have nothing of?

More camouflage.

Other speakers have said they represented the chamber of commerce, 1,100 members, the board of trade, 2,300 members, and other trade bodies as well as the Central Labor Union. They may represent the trade bodies but they do not represent the vast mass of the people of this District, as organized for suffrage, as the National Press Committee does, neither do they represent in the slightest degree the 80,000 or more union labor and 70,000 or more Government employees and 25,000 veterans of this city, all clamoring for a Delegate and local self-government, as they know Congress will never grant Senators and Representatives.

As for this Citizens' Joint Committee for National Representation that speakers have so loudly talked about as representing all organized bodies in the District of Columbia, everybody in Washington knows it is merely a "paper committee," the members

appointed by the chairman, Theodore Noyes, and a few of his associates. Where is this alleged committee's headquarters unless it be in the office of Mr. Noyes in the Star Building, and what is it doing to get enfranchisement for the District? What has it ever done except to harp on the fake constitutional amendment, when others were making honest efforts to get some sort of suffrage for the people here?

Nothing, absolutely nothing.

What connection have the persons that are running this alleged Citizens' Joint Committee for National Representation with the public utilities of the District of Columbia? Some of them are stockholders in one or more of these corporations which have been continually criticised in Congress in the past and the present.

Of course none of the men who profit financially by connections with the Washington public utilities corporations want local self-government. The Capper-Zihlman bill is anathema to them, for this measure provides for a separate public utilities commission, elected by the people. Naturally they want none of that.

What are the public utility investments of Mr. Noyes, chairman of this "paper committee" for national representation?

Does he want an elective public utilities commission? Not on your life. That's why he is advocating this Jones bill and opposing the Capper-Zihlman measure.

Let's get down the brass tacks, throw on the light of truth, and get at the facts for this Senate committee, Congress, and the people.

In the Washington Times, November 1, on the editorial page the following statement was published, headed "Trying to Beat Suffrage in the District of Columbia."

"Efforts are now being made by the secret or openly active foes of District suffrage to minimize the hearing on the suffrage bills November 8 before the Senate District Committee" according to Col. Winfield Jones, president of the National Press Committee for District of Columbia suffrage, in a statement to-day.

"Recently a meeting was held by some members of the citizens' joint committee for the constitutional amendment, when it was decided to introduce the defunct constitutional amendment at the last minute in the Senate for the purpose of precipitating a discussion of the constitutional amendment before the District committee, at the time hearings are held on the Capper-Zihlman and Poindexter-Reed bills for local suffrage and a delegate in Congress.

"WILL TRY TO BECLOUD PUBLIC.

"This is for the purpose of beclouding the District suffrage issue in the public mind. Failing to get the constitutional amendment before the Senate committee the scheme is then to have members of the citizens' joint committee appear as individuals at the hearing and oppose the local suffrage bills, while praising with camouflaged industry and ironic persistence the constitutional amendment.

"Some of these men represent themselves as representatives of the combined opinion of the Chamber of Commerce, Board of Trade, Merchants and Manufacturers' Association and the City Club. They do not represent even a minority opinion of the members of these fine organizations regarding District suffrage, but have managed to get in a position before these organizations and the public where they make it appear that they are voicing the unanimous sentiments of these organizations.

"They are trying to deceive the people and Congress on the suffrage issue by clamoring for a constitutional amendment for which they well know there is no chance at this time, if at any time.

"A few men honestly believe they can obtain the constitutional amendment and are sincere in their advocacy of that measure, but they do not understand the suffrage situation in Congress and the District.

"A constitutional amendment requires a two-thirds vote in House and Senate and ratification by three-fourths of the States. The two pending bills require only a majority vote of Congress for enactment. It would require 50 years' work and the expenditure of \$1,000,000 to put through a constitutional amendment. Prohibition and woman suffrage advocates know that.

"MAY DECEIVE PEOPLE AGAIN.

"To try to put it through the Senate now is only a continuation of the deception that has been practiced for many years to keep the nearly 500,000 completely disfranchised people in the District of Columbia from securing any kind of representative government. It is time the people here woke up to the real situation.

"Even if Congress sees fit to give only a Delegate, who would at least be a District voice at the Capitol, at this time, a start for political freedom here will have been made, and it would be foolish, indeed, to say to congress, 'If you do not give us a constitutional amendment, we want nothing.'

“Let us secure the Delegate or local self-government under the pending bills, something that Congress is willing to grant, and not continue to allow the disfranchised people here to be fooled further by the constitutional amendment scheme.”

Was it a good prediction? It was. We saw the honorable Senator from Washington State on November 4, three days afterwards, introduce his amendment. It was referred to the Senate Judiciary Committee, where it belongs and which will consider it, if it is considered at all, which every Senator here knows is unlikely. But it was brought in here by the Senator to this committee, and discussed here just as I said it would be in the Times article, and for the same purpose, I assert, to camouflage the real effort to get some kind of manhood and womanhood suffrage for the completely disfranchised people here.

On November 9 the following leading editorial appeared at the masthead of the Washington Daily News:

“VOTES FOR THE DISTRICT.

“Whether adding two Senators and two Representatives from the District of Columbia to the mass meeting on the Hill would result in good may be a question.

“But certainly the people of this city are entitled to home rule and local self-government. There’s no doubt about that.

“One way to beat it is to pretend to be for it through the enactment of a constitutional amendment.

“One way to get it is to be for it through an act of Congress requiring only a majority vote of both Houses.

“The News is for District suffrage by act of Congress and believes that the constitutional amendment agitation is not in good faith.”

In the Washington Times of November 10 the following editorial appeared, double-leaded and occupying two full columns in a conspicuous place in the paper:

“SHALL WE REFUSE OPPORTUNITY FOR SUFFRAGE ?

“By Bill Price.

“The Capper bill before the Senate provides for the election of Delegates to the House of Representatives from the District of Columbia, Commissioners of the District, a Public Utilities Commission, a board of education, and for other purposes. The bill provides the methods for holding elections.

“We have been struggling for years for a constitutional amendment giving us the same suffrage rights grated to all other American citizens. We think, and know, we are just as much entitled to Senators and Representatives as half a dozen small States the population and importance of which do not compare with Washington. We will never be fully satisfied until we do get these rights.

“But we must frankly ask ourselves some questions: Is Congress going to give us what we want now? How long would it take the 48 States of the Union to pass upon the amendment? How many years of effort would be required to get the necessary number of States sufficiently interested to ratify the amendment?

“Looking at it in a common-sense way, do we fully realize that the goal we are after appears to be many years away; that there is strong hostility in the Senate to the admission to that body of two more Senators from populations far below the large States of the country? Isn’t it well understood that Senators from the big States of the country do not now wish to have the two votes of their States offset by more votes representing small populations?

“We would not be courageous and true citizens if we did not fully determine to fight our battle for years until we get justice.

“But are we sensible men and women if we refuse the opportunity which seems to loom hopefully before us of obtaining limited suffrage at an early date? A voteless Delegate in the House wouldn’t amount to a great deal, but the right to elect our commissioners, utilities commission, and board of education does mean something. It would at least be a recognition that we are intelligent enough to conduct our local affairs, with the cooperation of Congress.

“Aren’t we just a little tired of hand-picked commissioners and other local officials? Often they are good men, it’s true, but are they truly responsive to the wishes of the people of the District? Is their master the people or somebody else? Haven’t our experiences in the past justified us in preferring to elect our own commissioners, utilities commission, and board of education?

“No system which ignores the direct choice of the public for municipal officials is founded in democracy and Americanism. Are some people here afraid to trust the citizens of the District to pick their own rulers?

“The matter of a voteless Delegate in the House is as nothing by the side of the greater question of the right to elect our own rulers. We could afford to do without a Delegate who was separate from the commissioners.

“What we want is a spokesman in Congress, elected by the people, and not picked by politicians or others with axes to grind.

“The proposed law would be just as strong if it provided that the Delegate to be admitted to the House should be the one chosen by the people as chairman of the Board of Commissioners. There would then be no friction between the commissioners and the Delegate. The chairman, as a Delegate, would have the privilege of the floor of the House; would be in position to constantly look after the interests of the District and press for urgent legislation. He would make friends in the House, and that counts for something in legislative matters.

“There is no occasion to quarrel over details or turn our noses up at a voteless Delegate. Let us take what we can get and then work for broader suffrage. Shall we refuse half a loaf now and continue to cry for the whole loaf which we may not get for many, many years?

“With Congress now in a mood to do something for us, let us all join to get the very best we can. Having gotten that, we will show Congress that we will successfully conduct our own affairs. Later on we can ask for and get all that we should have.”

The Washington Times, that has shown itself under the present management a true friend of the District people, had this to say in a double-leaded editorial on November 9:

“VOTES FOR WASHINGTON ISSUE IS HURT BY ASKING TOO MUCH.

“Members of the Senate District Committee are conducting hearings on the subject of suffrage for the District of Columbia.

“This committee is sincerely, earnestly endeavoring to learn what form of government the District should have and would have if permitted to participate in its own and in national affairs.

“Two bills are before the committee in which provision is made for a nonvoting Delegate in the House of Representatives, such as is allowed the Territories of Hawaii and Porto Rico.

“Other legislation provides for voting representation in Congress—a course which would require an amendment to the Constitution of the United States.

“There is no doubt that the District of Columbia is entitled to and desires participation in the local government.

“It is entitled to a voice in the election of Government officials. It should have full representation in Congress.

“If it were possible at this time to obtain passage of the constitutional amendment permitting full voting representation in Congress, the Times would whole-heartedly advocate such a measure.

“But it is apparent to those who have polled Congress on the question that voting representation as provided in the proposed constitutional amendment can not be obtained from the present Congress. Our national legislators, although sympathetic with the disenfranchised residents of Washington, are loath to grant full statehood privileges.

“It is apparent, however, to observers that a majority in Congress is willing to permit the District to have a Delegate before Congress and to grant in addition participation in the local government by elected officials. It is feasible to obtain such action from Congress now. It is not feasible to obtain a constitutional amendment which would have to be ratified by the States and would need an overwhelming number of legislators in favor of it to obtain passage.

“The Times believes in the constitutional amendment. It would be a great accomplishment to obtain the full citizenship accorded to residents of the States; but it can't be done. Members of Congress are skeptical about the District of Columbia; they want to try us out. If we show ability to handle our own affairs properly under partial suffrage, they will undoubtedly at some future date grant full suffrage.

“There are a few earnest, capable men who believe that we should work for full citizenship and accept nothing less. They are unswayed by the very obvious fact that what they ask is impossible to obtain at this time. With all respect to these estimable gentlemen they are merely muddying the water; and they are working hand-in-glove, although undoubtedly they don't know it, with those who want to defeat any kind of suffrage for Washington.

“Any attempt now to push through a constitutional amendment granting full voting privileges to the residents of the District of Columbia, however well meant, is

merely blocking our progress toward an accessible goal. We must prove to Congress that we can walk before we will be permitted to run.

"We can not blame our national legislators for wanting to keep a steadying hand on the destinies of a new Commonwealth, which has not yet proved itself—to them—ready to govern itself.

"The National Government participates heavily in the financial responsibility for the District. It is logical that it should desire a voice in determining how governmental money should be spent.

"The bills proposing nonvoting representation before Congress present no serious complications; the constitutional amendment program would entail a readjustment of fiscal relations between the Government and the District and would involve many other problems. The first is obtainable; the latter is impossible.

"Those who oppose partial District suffrage on the ground that it does not grant enough, are, in effect, blocking any action by Congress. They are confusing the issue; we hope that they are not doing it wittingly. But they are trying to throw the suffrage machine in high gear, while it is laboring heavily up a sandy hill in low gear.

"The Times respects the high aims and lofty ideals of these gentlemen, but it believes that what they ask is impossible. And it respectfully points out to them that the small minority who bitterly oppose suffrage for Washington secretly rejoice when idealists oppose that which is obtainable and demand that which is inaccessible."

An honored member of this committee, Senator Arthur Capper, of Kansas, made the following statement, published in the Washington Daily News, November 9, last:

"Declaring the disenfranchisement of Washingtonians 'contrary to republican institutions,' Senator Arthur Capper, Republican, of Kansas, to-day gave the News an exclusive article on Washington's political status.

"Senator Capper's statement is peculiarly appropriate now, as the Senate District Committee, of which he is a member, has commenced consideration of his bill providing for election of District delegates to Congress.

"Senator Capper's statement follows:

" 'Since the Territorial form of government was abolished in 1874 nearly a half million people of Washington have been disenfranchised. Washington is the only capital in the world without some form of suffrage.

" 'Delegates or commissioners are allowed in Congress for the Philippines, Hawaii, Porto Rico, and Alaska, the first three having alien populations. But the District of Columbia, seat of Government, is not even allowed a delegate.

" 'Such a condition, without parallel in any country, is an anomaly that should not be allowed.

" 'On a population basis the District is larger than any one of seven States, two others having but a slightly larger population.

" 'For taxation to support the Federal Government in 1919-20, the District paid a larger sum than any of 15 States and more internal revenue taxes than a group of five States. Personal income taxes collected from the "disfranchised million" in 1918 amounted to a larger sum than this tax produced in any of 28 States.

" 'Taxation without representation is tyranny.

" 'Nearly 18,000 Washingtonians served during the World War. This was a larger number than was supplied by any one of seven States. Washingtonians fought for their country, but are deprived of the ballot.

" 'During the war every patriotic call for money was oversubscribed here, the District leading the entire country per capita.

" 'No argument against District suffrage can fair-minded men make.

" 'The bills now pending before the Senate committee provide only for local self-government and delegates in Congress, and not a constitutional amendment, which would be difficult to secure and is impracticable at this time. These measures do not propose to interfere with control of Congress over the District nor to change the existing fiscal arrangements.

" 'It is little enough to grant Washingtonians, who are by every right entitled to it.'"

The people of the District know where Senator Capper stands, and they know where he stands in Kansas, too—always for the real interests of the plain people.

The Star and the Chairman of the "paper committee" on National Representation, Mr. Noyes, were not always so bitter against a delegate. The following is from an editorial of the Evening Star, published October 24, 1913:

"The strongest argument for a delegate is found in present conditions, which suggest that through the hurtful activities of certain of the legislators whom the American people have chosen to represent the District in Congress, the financial relations between Capital and Nation are already as disturbed and chaotic as they can be; that real representation in Congress, though desirable and equitable, can not at this time be secured; and that it is possible at this time to win for the District a Territorial

Delegate, who may serve a useful purpose in any event and may help to real representation in Congress.

"The Star is in sympathy with the District's appeal for increased representation in its government and for protection in the feeble, indirect representation which it now has. It believes Washington entitled to every political privilege consistent with full legislative and executive control of the Capital by the Nation. It believes that the local community should be treated as an integral part of the Nation in exercising this control. While it feels that Washington should ask full representation so far as Congress is concerned, and be satisfied with nothing less, if the community, after due deliberation, shall be disposed to try again the experiment of a voteless delegate, the District's wish in this respect should, in the Star's opinion, be met by Congress, and the Star will cooperate heartily to this end."

The Washington Times and the Washington Daily News are for District enfranchisement. The Washington Post seems not to be; at least it keeps silent on the subject, with exception of an occasional editorial of a noncommittal attitude.

The Washington Herald is keeping absolutely still on this matter of more vital importance and affecting more District people here than any other issue.

Everybody knows the attitude of the Washington Star, editorially controlled by the chairman, Mr. Noyes, of the "paper committee" on national representation. It is red-hot for the impossible-to-secure constitutional amendment. But do we hear anything about local self-government or a Delegate in its columns, unless it be thinly veiled hostility?

Do the owners or managers of the Post, Star, and Herald own public-utility stocks? Does this explain their attitude toward local suffrage in the District of Columbia?

The people will soon know what papers here are their friends and what papers are their secret enemies, that would keep them in perpetual bondage, political bondage, so that they can be kept more easily in economic bondage to public utilities. Strike off the political shackles that bind the people of the District and they will take care of the other oppression.

"Give light and the people will find their own way."

The immortal Dante said that 600 years ago, and it is as true to-day as it was then.

If these papers don't change their attitude and get back of the interests of the people here in this suffrage matter, the people whose money makes possible these publications, these papers will before long rue the day that they failed to represent the people, who make their existence possible, and it will not be long before they wither up and cease to exist, or change to other hands that will work whole-heartedly for all the interests of the people of the National Capital.

Down with all political quackery such as has been practiced here for nearly half a century!

Down with an "Invisible government" that exists to rob the people of their money and to keep them in political slavery.

Down with the political and financial rings that have throttled the people here and are still choking the people.

We have heard a lot here about the alleged good city government and the commission form of government. The honorable chairman of this committee asked speakers if he was satisfied with the present city government.

It would require the eloquence of a Cicero or a Demosthenes to adequately describe the bad city government that exists in the National Capital. Why is it bad? Because it is appointive and not elective, in accordance with our Republican form of government.

I had rather be governed by an elected devil than by an appointive angel. At least I could assist in throwing the devil out of office in the next election.

It is pure bunk to say that appointive District commissioners represent the people. The mass of the people have no more to do with this selection than they have to do with selection of a bolshevik governor of a Siberian province. Commissioners are appointed by the public utilities, the banks, and the real estate and political rings.

The present city government couldn't possibly be any worse. Look at the row in the police department and the condition of that department, the superintendent of police retiring under fire, a policeman arrested for seduction of a young girl, another for theft of an automobile, and others under arrest or under charges of some kind for various crimes and misdemeanors. Look at the recent row over parking arrangements and the great number of automobiles accidents. Only recently there was trouble in the fire department.

A perpetual row exists in the District over school matters. Everybody knows what Congress is trying to do with the street railway merger and has been trying for years to untangle the affairs of the watered corporations that transport the people here. Look at the watered milk, the short-weight bread, the indicted coal dealers

who have not been brought to trial. The 8 per cent bankers and the money sharks. Look at the real estate ring's operations, and the profiteers of many kinds.

Is the city government good? It couldn't be worse, in the opinion of many, and I am among them; so are many Members of Congress. Look at the Rent Commission, currying favor with Congressmen by reducing their rents.

A city commission form of government is often a good government, but nearly all other commissioners of all other cities are elective, not appointive, as in the District of Columbia.

The Board of Trade directors recently declared against a delegate bill and local self-government. On this board of directors are Commissioner Oyster, Theodore Noyes, E. C. Brandenburg, and Commissioner Rudolph. Oyster is a former president.

Of course Commissioners Oyster and Rudolph don't want any change in the intolerable political conditions here; with suffrage they would lose their jobs. Does anybody here think the people here would rise up en masse and demand their election to the positions they hold?

We have another commissioner, Col. Keller, quoted in the newspapers as advocating that the street railways own the bus lines, thus destroying the only competition in public transportation that exists for the benefit of the people here. This in the Washington Star, November 17, 1920. The Star again. Keller has made a bad start.

I am not attacking the public utilities at this hearing. There wouldn't be enough time to describe their iniquities and robberies unless the hearing was extended until next June. We will get around to these rotten corporations later.

And what does this precious constitutional amendment mean? Does it mean election of Senators and Representatives if Congress by a two-thirds vote should pass the Jones bill, and then three-fourths of the States would ratify it, which would take about a century, if ever obtained? No, it simply authorizes Congress to then decide whether it will then grant the Senators and Representatives and the vote in the Electoral College.

More bunk and more camouflage.

Listen to this:

Substance of statement of Cuno H. Rudolph, Commissioner of the District, contained in a report on January 15, 1913, to Chairman Ben Johnson of the House District Committee, opposing the Delegate plan as proposed in a bill introduced by Representative Curry.

Commissioner Rudolph stated that there was no need of a Delegate to represent the District in Congress because the members of the District Committees now devote a great deal of their time in studying District affairs; that sooner or later the election of a Delegate would introduce politics in the District; that the Delegate might occasionally differ in opinion from the commissioners and, to quote his words, "Even if at times the judgment of the Delegate might appear better, it would not be good policy to expose the District's interest to the possibility of such dissensions"

His statement also avers that the function of a Delegate could be readily discharged by one of the commissioners if it was deemed desirable to present the District's needs on the floor of Congress.

In other words, Commissioner Rudolph believed in the absolute centralization of all power in the Board of Commissioners. This idea is further expressed by him on about the same date in a communication to Representative Burleson, of Texas, chairman of the District of Columbia appropriations subcommittee, as follows:

"The public schools affairs should be controlled by a director of education appointed by the commissioners."

Furthermore, according to a local newspaper article published January 27, 1913, Commissioner Rudolph suggested life term for the commissioners.

Therefore it might logically be expected that if the present Delegate bill is referred to the commissioners for opinion that they will report unfavorably upon it. The attitude of the commissioners as expressed at that time did not meet with the popular approval of the District people. The way it was received is indicated by an editorial appearing in the Washington Times of January 16, 1913, which reads as follows:

"REPRESENTATION FOR THE DISTRICT.

"The District Commissioners oppose having the District represented by any elected Member or Delegate in Congress, fearing that the matter would presently fall into the ruck of partisan politics and be unfortunate for the community.

"Will the commissioners indicate just when any American community got so superior, so fine of fabric, so dainty of sensibilities, that it was threatened with grave consequences if it came in touch with the common things of politics?"

"Will they be good enough to let us know how New York elects its 45 Congressmen, and whether, on the whole, it would be better for New York to do without representation here in order to avoid the indelicacies of partisan organization and elections?"

"There seems some fear that if Washington were represented in Congress its representative would somehow muss up our relations with the Government.

"The Senators and Congressmen from each of the 48 States manage to represent the national concerns of their people without gravely prejudicing the Government against their respective States.

"If it's a good thing for Washington to be unrepresented in Congress, on the ground that Congress will be more charitable if we are helpless, why not try the same benevolent plan on some of the other dogs; why not convince Pennsylvania that it would get along better without any Congressmen or Senators.

"Alaska and Porto Rico and the Philippines and Hawaii—yes, they are represented; but Washington must go without a spokesman.

"Entirely aside from the peculiarities of our local administrative situation, are not Washington people part of the American Union? Are they not affected by national legislation just as are the people of Oklahoma or Oregon? Haven't they interests in the purely national views of affairs? Are they less capable of commissioning a spokesman than the people, say, of Samar?"

Besides the camouflage of the constitutional amendment the foes of District enfranchisement have another stock argument against suffrage. It is the negro "scarecrow," industriously circulated to further tangle the suffrage situation.

The last census shows 20.1 per cent of the population of the District as colored and 74.9 white. One negro to four white men, approximately. Is it possible for one negro to politically control four white men in the National Capital if we have suffrage.

No further reference is needed to that subject.

Who opposes District suffrage? Nobody appeared at the hearing at the last Congress before the House Judiciary Committee against suffrage except G. W. Ayers, and I believe one other person. Mr. Ayers has been the principal opponent at this hearing against District suffrage. He has acknowledged that he represents no organization opposed to suffrage, and stated that he had lived here, the last time, for three years. It is a joke for a traveler like Mr. Ayers says he is, who has lived in many other places, to come here and have the nerve to oppose anything. He acknowledges he is not a permanent resident of the District.

Besides he advanced no arguments against District suffrage, and if anybody could make head, tail, or middle out of his alleged arguments they are smarter than I am.

One John A. Baker wrote a communication to the committee, apparently being too cowardly to appear and personally state his views against suffrage. The Baker letter was the most inane communication I have heard for a long time on any subject. Besides this, Baker, writing that the persons working for District suffrage are schemers for Congressional honors is a plain or garden variety of liar. Does this fellow own any public utilities stock?

Is there a united sentiment in the District for suffrage. There most certainly is. The National Press Committee is anxious to cooperate with any organization or any person for any kind of suffrage that Congress will grant.

ADDITIONAL STATEMENT OF JOSEPH G. GURLEY.

Mr. GURLEY. Mr. Chairman, may I have an additional three minutes?

The CHAIRMAN. I regret that it is necessary for me to leave at this time, but I must do so. I will ask Senator Sheppard to preside and I have no doubt he will give you further time.

Senator SHEPPARD (presiding). You may proceed, Mr. Gurley.

Mr. GURLEY. I wish to refer again to the sentiment among Federal employees and in that connection to say two things.

While we are strongly in favor, above all, of local self-government and then in favor of the delegate proposition, preferably with vote, there is a feeling that there may be danger in the centering of attention on this constitutional amendment and simply putting aside the whole question. If we concentrate on that, tell the people we are united on that, and do not let us pay any attention to anything else, the result will be that what to our mind is abstractly more important will be carried along year after year and year after year and we will get nowhere. I should like to say as strongly as I can to the committee that we hope there will be no action taken that will stress a thing which is entirely impracticable, as we fear a constitutional amendment is, or that will put the question back for 5 or 10 or 15 years.

In the second place, I simply want to call attention to another thing. A great deal has been made here of representation through citizens' associations. I appre-

ciate thoroughly the hard, honest work of the citizens' associations, but with all respect to those associations they are in no proper sense of the word representative. They can not be representative under present conditions. If citizens' associations are entitled to the attention of Congress, then there is every possible reason why those associations should be given a legal status, why they should be made representative, and why Congress should know what it does not know now, that the views of those associations are not the views of the people of the District. I have read repeatedly in the public print of a meeting of a citizens' association covering perhaps 50 squares of the city of Washington and that a vote was taken and a resolution was lost or carried by a vote of, say, 15 to 6, or 20 to 9, showing that many of those meetings are held by a very small number of people. There is no way to check up that sentiment. There is no way to know, after these associations have spoken, whether they really represent anything. You simply have to apply the practical test as applied to any other American city. That is what our friends do not want to do. They do not want to apply the practical test to Washington that would be recognized in any other city in the country. It would be absurd to apply the test to another city. Why apply it here?

To close, I simply desire to suggest that within the two Houses of Congress there is surely a constructive ability to devise a fair and equitable system which shall give a maximum of political power to the people of the District, at the same time retaining a national interest. We assume that the Nation does not wish to be in the position of tax dodging. If the city of Washington is given a certain amount of control we do not feel that the Government of the United States is going to adopt an attitude of trying to get rid of a proper share of the burden of the support of the city as the national capital.

ADDITIONAL STATEMENT OF DONALD MACPHERSON.

Mr. MACPHERSON. Mr. Chairman, at the previous meeting I concluded my remarks without finishing or developing the subject as I had intended, hence, this is offered as an addenda, or continuation of my former remarks (in substance). I had assumed and will assume that Congress will legislate upon or give consideration to the subject primarily as a sociological problem, and not primarily or wholly as an empiricism, or an enumeration of its various activities, qualities, good or evil, population, etc.

Such, however, are essential and valid, but does not seem to me to be the highest basis for legislative action or consideration, as will clearly appear from a competent consideration of my former statement (which were in form dogmatic or axiomatic). Assuming that the committee and Congress will give the subject the adequate consideration, I will—to save time and space—cite a few authorities—not court decisions, for such would not be competent for the purpose, not being primarily a legal or constitutional subject in the usual or narrow sense. Relative to the incompetency of such legislation based on empirical consideration, I invite your attention to the chapter in "Social Statics" by Herbert Spencer, entitled "The Sins of Legislators," pages 334, 344, et. seq., particularly page 341, wherein Mr. Spencer reprobates legislation and attempts at legislation based upon incompetence, impirical observations of economic or social activities, rather than an attempt based upon a scientific or sociological consideration, viz., on page 341, "that from the statute of Merton (20 Henry III) to the end of 1872 there had been passed 18,110 public acts, of which it was estimated that four-fifths had been wholly or partially repealed, and for the years 1870-71-72, the number of acts repealed wholly, or in part or amended, had been 3,532, of which 2,759 had been totally repealed, etc." Why was this? Because as the context will abundantly show that they were the "sins of legislators"—and inflicted serious harm and evil in many ways as the legislation was unguided by social science. I have been informed that similar conditions have resulted in the United States—observe some of our legislation and treaties with foreign countries—that never should have been enacted, and having been enacted, should have been repealed or abrogated.

That the extension of the right of suffrage is a generic or cosmic movement and right I refer you (the committee) to a volume by the distinguished scientist and philosopher, Benjamin Kidd, entitled "Social Evolution," index pages under "Enfranchisement of the masses." Surely, this shows that with every advance of the civilization of society there must more and more be a general participation in the affairs of the Government by all and every people.

In a volume by Charles Seymour, professor of Yale University, entitled "Electoral Reform in England and Wales," is shown the struggle for liberty, the rise of the proletariat of the feudal ages, and from the feudal system to or toward universal

suffrage and political and legal equality, etc. Another important volume by the same author, entitled "How the World Votes," is for the purpose of showing the status and condition of suffrage and the laws respecting the same in substantially every government of the world.

G. Archdall Reid, as a distinguished physician, scientist, and sociologist of London, in his volume entitled "Principles of Heredity," chapter 23, was referred to in my former remarks. This is to reprobate and show the evil of dogmatic control, ecclesiastical or political. All persons, peoples, or nations under arbitrary domination, ecclesiastical or political, are inferior, the inferiority of which will increase with the intensity of such domination. This will be shown by an observation or inspection of the people and nations of the earth at the present time. The fullest possible participation in governmental and intellectual functions are absolutely necessary to produce individual and corporate efficiency. Without this efficiency there can be no good government. There must be equality of opportunity. From this would develop the superior under fair competition.

At a former hearing the honorable chairman made the statement that "Suffrage was not a right." I have heard or read of similar statements before. It is not absolutely true except with possible qualifications. It is axiomatic as I have stated and implied in my former statement or paper, that the individual, people, or State have the absolute right to aspire and to make the most of themselves in every just and legitimate way, and any obstruction or impairment of the same, their welfare, or well being would be an injustice and a wrong, a negating of a right. Again permit me to quote from that master of philosophy and language, Herbert Spencer, part 4 of "Principles of Ethics," Chapter VI, page 46, of Justice: "The liberty of each limited only by the like liberties of all, this we do by saying 'Every man is free to do that which he wills provided he infringed not the equal freedom of any other man'". This is a remarkably conclusive and exclusive formula for justice or right.

Respecting a constitution or laws attempting to establish or effect the rights of suffrage or any other human right, the implication has already been made clear that the individual to aspire to his highest well-being can not justly be obstructed or infringed by a constitution or law except that it may be necessary to the survival, safety, or welfare of the State, viz, society. While we (the United States) have a written Constitution, we also have an unwritten constitution as well as and similar to that of Great Britain, and it has often been made available. It is absolutely necessary to the survival or welfare of the State. The evolution of society does not stop for human constitutions or laws, but its direction may be affected favorably or unfavorably. Further, relative to the matter of constitutional changes by judicial decisions and otherwise, I quote from Prof. J. B. McMaster, who states that our supposed perfectly written Constitution or generic law was never perfectly written or conceived, even as amended or supposed to be amended, by the hundreds of proposed amendments. Could it ever be an ideal expression of an ideal mental or social state? From 1861 to 1889, there were 377 amendments proposed to the Constitution.

The late James C. Carter, one of the most distinguished members of the New York bar, speaking of the natural imperfections of the Constitution of the United States, in a series of lectures prepared for delivery at the law department of Harvard University, at the request of President Elliot, said:

"The law of evolution so dominating in its influence upon recent thought had not been stated. Physiology, biology, and sociology now assuming the attitude of sciences were wholly undeveloped."

The changes and developments in response to public opinion sometimes reflected by Congress, and notably by decisions of the Supreme Court of the United States, constitute essential amendment to our Constitution and laws. A right of survival is the supreme unwritten constitution and the rule of reason has become an established precedent, and they are numerous, and should it be said or concluded that an error placed in a constitution at its inception should become immortal? I can justly assume that I have as much right to discuss the laws and Constitution as though I sat in Parliament.

I have resided in the District of Columbia for the last 39 years, coming here from the State of Michigan, where I was born 78 years ago, residing there until coming here. I have not voted since, or not more than once. The expense, time, and labor could not be afforded, but more than that, simply voting is not suffrage in any worthy or adequate sense. The citizen must be in contact and in association with the constituency, the people of his State or community, in order to duly exercise his proper influence.

ADDITIONAL STATEMENT OF PAUL E. LESH.

Mr. LESH. Mr. Chairman, in connection with Col. Jones's statement of a moment ago, in order that we may be fully informed, I should like to ask whether it is not a fact that the National Press committee, in its early stages—I refer to the dates between March 4 and April 8, 1920—was emphatically for the constitutional amendment and for nothing else, and whether it is not a further fact that it was during that period that it got the support of the other organizations to which it refers?

Col. WINFIELD JONES. When we first started the movement for District suffrage we were for the constitutional amendment and nothing else; but when we discovered from these polls of Congress that we could not get a constitutional amendment, then we started for something that we thought we could get from Congress.

Mr. LESH. Those polls were taken of course before this hearing at which we sought to persuade Congress?

Col. JONES. One poll was taken afterwards along that line and one before.

Mr. LESH. They were at least before the present hearings?

Col. JONES. Oh, yes; before these hearings.

Mr. LESH. If we had had those previously, we would not have had to have this meeting.

Col. JONES. Our committee is strongly for the constitutional amendment just as strongly as any other committee. We want Senators and Representatives to feel that we are entitled to it, but in the meantime let us take what we can get in order that the matter may be started. That appears to me to be common sense.

In closing I wish to thank the committee for their courtesy and geniality in holding these hearings.

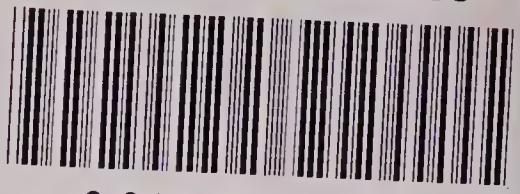
Mr. LESH. In behalf of the brief committee of the General Citizens' Association we certainly desire to express our appreciation of your patience and courtesy.

Senator SHEPPARD. I am sure it has been very instructive on this important subject for the committee to have heard the statements of those who have appeared. The committee is under obligations to those who have represented the citizenship of Washington at these hearings.

Pursuant to instructions of the chairman, the hearings are now closed.

(Whereupon, at 4.30 o'clock p. m., the hearings were closed and the committee adjourned.)

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